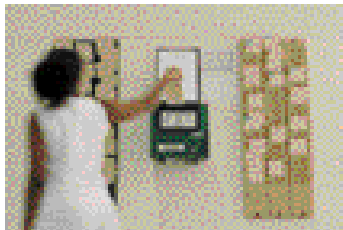


LETTER OF THE LAW

FEBRUARY 2006

Are You Getting the Overtime Pay You're Entitled To?

According to United States federal law, employees who work more than 40 hours per week are generally entitled to overtime pay, at "time and a half" or 1.5 times their regular hourly rate for each hour of overtime. Even if an employee is salaried and paid weekly, bi-weekly, or monthly, he or she is generally still entitled to overtime pay – although this may depend on state regulations, which sometimes override federal law.



To be ineligible for overtime, an employee must be classified as "exempt." Normally, only carefully-defined executive, administrative and professional positions are exempt. The rules governing this classification are complex, and companies take advantage of this confusion to misclassify their employees and avoid paying them overtime.

Generally speaking, employees must earn a specific amount of weekly pay and spend most of their time on management, business operations, or highly-skilled professional job duties in order to be classified as exempt; their official job title

means nothing. Please contact us if you have any questions about your classification.

Are you working "off the clock" and not getting paid for it?

Companies are not allowed to require employees to work "off the clock" or tell them that they can "only record 40 hours" in order to avoid paying them overtime. Employees must be permitted to record all hours worked, and all hours over 40 in a workweek must be compensated at "time and a half."

As an example, if a manager requires you to complete a task before leaving work, but complains that it is taking too long and tells you to clock out while finishing the task, he is violating employment law.

Often, companies try to justify telling employees to work "off the clock" by claiming that they are "exempt" or that they are "salaried" or "commissioned" employees. However, there is no justification for asking an employee to work "off the clock."

If you believe your employer may have wrongfully withheld wages from you, call 713-230-2376 for a free consultation.

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Carbon Monoxide: The Invisible Killer

by John Fabry

Hurricane Katrina hit the Gulf Coast on August 29, 2005, causing widespread devastation and power outages. This tragedy was compounded for some when they turned to portable gasoline-powered generators for electricity. In less than a month, 50 cases of carbon monoxide (CO) poisoning – including five deaths – attributed to generators were reported by hyperbaric oxygen facilities. The Centers for Disease Control and Prevention admit that the statistics “likely underestimate” the number of poisonings.



What Is CO?

CO is a colorless, odorless, nonirritating toxic gas. When inhaled, CO enters the bloodstream and prevents the delivery of oxygen to the heart and brain. Oxygen deprivation from CO poisoning can quickly result in brain damage or death. Consequently, O.S.H.A. has established a permissible exposure level of 50 parts of CO per million parts of air averaged over eight hours (50 ppm). Exposure at 400 ppm for one or two hours might cause a headache, nausea and dizziness. Exposure to the same level of CO for three to five hours can result in death.

What Is CO?

Are You at Risk?

Every year, hundreds of people die and thousands are injured by CO poisoning. Any burning fuel, such as gasoline, natural gas and even propane, will generate CO. Gasoline-powered generators on boats, pressure washers, propane-powered forklifts and floor buffers and improperly installed or

Are You at Risk?

maintained heating systems for apartments and homes are just a few additional ways that CO poisonings occur.

Why Are So Many People Poisoned by CO?

Part of the problem is that the serious health hazard posed by small engines is not widely known. Manufacturers often provide inadequate warnings and instruc-

Couple donates \$100,000

■ Third successive year for Williamses to contribute that amount to program

By THE GOODFELLOWS EDITOR
HOUSTON CHRONICLE

For the second time this year, Goodfellows has received a contribution of \$100,000.

Houston lawyer John Eddie Williams Jr. and his wife, Sheridan, presented the check Thursday to Jack Sweeney, president and publisher of the Houston Chronicle.

“The Goodfellows fund is yet another example of why Houston is such a remarkable city,” John Williams said. “Sheridan and I are proud to be involved once again this year.”

This is the third consecutive year the Williamses have given \$100,000 to Goodfellows, making a total of \$300,000 they have donated to the Chronicle’s 93-year-old organization.

Goodfellows provides Christmas gifts for needy children ages 2 through 10. It is funded by contributions from the public, and every cent collected is used to buy gifts. The Chronicle pays other costs.



MAYRA BELTRÁN / CHRONICLE
CHRISTMAS GIFTS: Jack Sweeney, left, president and publisher of the Houston Chronicle, tours a line of toys with Houston lawyer John Eddie Williams Jr., right, and his wife, Sheridan, on Thursday.

“John Eddie and Sheridan Williams continue to step up for our annual Goodfellows program,” Sweeney said. “Their generous gift will provide toys on Christmas morning for thousands of needy kids.”

Williams, a plaintiff’s lawyer, represented the state of Texas in its lawsuit against the tobacco industry that resulted in a multibillion-dollar settlement.

Williams also has contributed \$250,000 to the American Red Cross to help victims of Hurricane Katrina. Since 2002, he also has helped dozens of pancreatic islet transplant re-

GOODFELLOWS

The period to apply for Christmas presents from Goodfellows has ended.

Want to give?

Checks for tax-deductible contributions can be mailed to Goodfellows, P.O. Box 4260, Houston, TX 77210-4260, or made online at www.chron.com/goodfellows.

ipients who could not otherwise afford the expensive procedure.

CO can accumulate to dangerous concentrations in minutes, even in areas that might appear “well ventilated....”

tions with their products. A manufacturer might advise using the product in a “well-

ventilated area.” However, CO can accumulate to dangerous concentrations in minutes, even in areas that might appear “well ventilated” to an untrained consumer. The National Institute of Occupational Safety and Health warns that “opening doors

(continued on page 3: “CO poisoning”)

Four New Attorneys at WB

WB begins 2006 with four more attorneys, increasing the total number of lawyers at the firm to 30. "All four have distinguished themselves during their tenure here," said John Eddie Williams, Jr., managing partner. "With the firm taking on more work than at any time in our history, we need attorneys who can make an immediate impact."

Each attorney served as a contract lawyer before being promoted and, therefore, is already intimately familiar with some of the firm's most active dockets – such as fen-phen and asbestos. **Sejal Brahmhatt** joined WB in 2003, having previously worked for another Houston firm as well as the Harris County Attorney's Office. "I can't think of a time in my life when I didn't want to be an attorney," said Sejal. "WB represents the type of place where I always imagined I would work after law school."



While completing her law degree at South Texas College of Law, Sejal interned with the American Civil Liberties Union. Sejal is also passionate

about helping children. She is a mentor to underprivileged children through her volunteer work with Child Advocates.

Caryn Papantonakis is a fellow graduate of South Texas who joined WB last year. Prior to that, she worked at two other litigation firms in Houston where she specialized in asbestos. In the short time she has been at WB, she already has signed up a number of clients who suffer from mesothelioma (a rare, terminal cancer that can only be contracted from asbestos exposure).



"Being able to help the victims and their families is one of my greatest rewards as a lawyer," said Caryn. She and her husband, Johnny, have a six-month-old son named Xander.

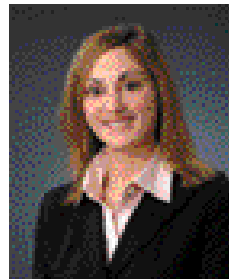
Asbestos litigation is just one of the practice areas with which **Marc Pinney** has been involved during his four years at WB. A *magna cum laude* graduate of the University of Houston Law School, Marc has also worked on cases involving exposure to welding rod fumes as well as the

2004 Coach USA bus tragedy that killed two and injured dozens.

"Helping individuals to stand on equal ground with some of the world's largest corporations is the most rewarding part of my job," noted Marc. He and his wife, April, have two daughters: Breanna, 13, and Michele, 12.



Also an alumna of the University of Houston Law School is **Margret Lecocke**. Margret began working for WB as a law clerk only three years ago. Since that time, she has worked on several fen-phen cases resulting in a verdict or settlement for the client.



"My job allows me to work on cases from inception to resolution," said Margret. "Along the way, I get to know the client's life story; this, to me, is job fulfillment." A San Antonio native, Margret earned her B.A. at Columbia University.

(continued from page 2: "CO poisoning")

and windows or operating fans does NOT guarantee safety." In addition, some homeowners and landlords do not properly maintain furnaces and other fuel-burning appliances. In some cases, maintenance or repair work is done incorrectly, resulting in more CO poisonings.

What Are the Symptoms of CO Poisoning?

Many people with CO poisoning believe they have a cold or flu, and doctors can easily mis-diagnose CO poisoning because the symptoms are nonspecific. Early signs of CO poisoning include headache, dizzi-

ness, fatigue and nausea. More severe poisoning might cause vomiting, chest pain and confusion. Loss of consciousness and death can occur in the most severe cases of CO poisoning. A blood test of your carboxyhemoglobin level can accurately determine whether you have been poisoned.

Tips to Avoid CO Poisoning:

- Use CO detectors.
- Have all fuel-burning appliances inspected and serviced annually.
- Use tools powered by electric motors rather than internal combustion engines.

- Never run a generator or any other gasoline-powered engine in any enclosed structure.
- Only measurements and testing can determine whether the CO level in your workplace complies with O.S.H.A. requirements.
- If you suspect CO poisoning and feel dizzy, tired, or nauseated, move to fresh air and seek prompt medical attention.

If you have questions about a CO poisoning case, call John Fabry at 713-230-2284.

In Memoriam



*Jim Stinson
1943 – 2005*

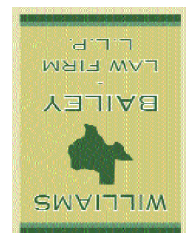
WB and its extended Labor and Workers family lost a dear friend with the sudden passing of James (Jim) D. Stinson on December 13th.

Jim was WB's labor field representative, assigned to the Houston Gulf Coast Building and Construction Trades Council. He served as director of the Gulf Coast Built-Rite Partnership, a tripartite consortium representing owners, contractors and labor in the construction industry.

A glazier by trade, Jim rose through the ranks to become business manager of I.U.P.A.T. Local Union 1778. While serving in that capacity, Jim also was appointed or elected to numerous boards as well as presidential and vice-presidential positions in the labor movement.

Regarded as a true "Southern gentleman," Jim earned the admiration of his friends and the respect of his adversaries. He will be greatly missed.

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