

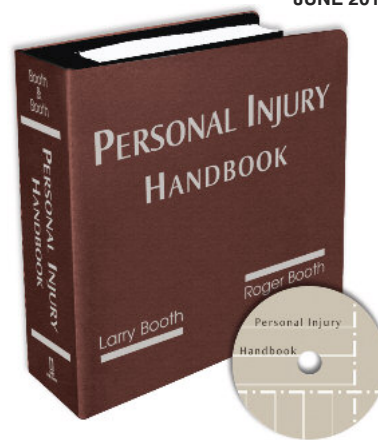


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Personal Injury Handbook

By Larry Booth and Roger Booth

REVIEWED BY DONNA BADER



An easy-to-follow roadmap to personal-injury practice

James Publishing Company
600 pages plus CD, \$99

Okay, I'll admit it. Sometimes I just want to take the easy way out. I can get cranky reading about theories, psychology and procedural maneuvering. There is simply too much information out there. Who wants to spend hours on how best to take a deposition with a difficult witness? Or which comes first . . . interrogatories or depositions? Sometimes I just want someone to provide a roadmap, and if it makes sense to me, I am going to follow it.

That's what the Personal Injury Handbook provides. It is written by two heavyweights in plaintiffs' personal-injury work. Larry Booth has been around since 1959, first starting in entertainment law, then veering off into criminal law before spending a few years prosecuting and later defending criminal cases.

Before opening his own personal injury firm, Booth & Koskoff, in 1984, he worked for Silver & McWilliams, later Silver, McWilliams & Booth, in Los Angeles for over 20 years, concentrating on construction and product liabilities cases. He was elected to the Inner Circle of Advocates, a national organization of the top 100 trial lawyers, and in 1978 he served as the president of the Los Angeles Trial Lawyers Association, the largest regional organization of trial lawyers in the country.

His son and co-author, Roger Booth, began his career in 1991 and joined his father in 1997, where he also specializes in personal injury and death cases. What

they have done is put together a book, complete with a CD-Rom (of the entire book), which includes 140 forms, 60 checklists and numerous tips, plus 14 chapters on specific personal-injury cases. This loose-leaf 600-page, annually supplemented book is available for \$99 from James Publishing: www.jamespublishing.com

In the first two chapters, the authors write about "Taking and Investigating a Case," which generally applies to all personal injury cases. They include interview forms for your new client to fill out. They also include client handouts, including a "Client Confidential Information Booklet" and "A Few Facts about Liability Cases." In those handouts, the authors stress to their clients that complete information must be disclosed to the attorneys. The Booths also advise their clients about the principles of comparative negligent, settlement and case worth.

Chapter Two covers "Discovery and Trial." Yes, I know, how can you cover both in one chapter? Remember, we are taking the quick and easy route. For example, the authors strongly recommend hiring an investigator as soon as possible, and never to rely on either the police report or unsigned statements. Get those photos and medical records ASAP. End of story, no discussion, just do it!

After that, Chapters 3-16, cover specific types of cases, including medical malpractice, construction site accident, and premises liability. The book even includes some unusual cases, such as railroad crossings, dog bites, and collisions with livestock on roadways.

The authors have many years of experience and a string of successful verdicts and settlements to show for it. Just take a look at their Web site at www.boothkoskoff.com. They have tried over 70 jury trials and often received settlements over \$1 million. That is an understatement because the summary reveals settlements of \$28.9 million, \$17 million, \$13 million, etc. Enough said. They have the credentials to make me listen.

A roadmap

The Booths do not engage in much discussion about theories or different approaches. What they are presenting to their readers is a roadmap that shows what works for them. If you accept that the authors know what they are doing, then you follow their advice. You might have other ideas, but the book can work as a resource and a simple checklist.

Most personal-injury attorneys have form folders that cover the entire process from the retainer agreement to the end of the trial. You can reinvent the wheel or take what is given here and adapt it to your personal style. Or you could just accept the authors know what they are talking about and follow along. If you want to ponder the psychological aspects of depositions or mediation, then you will have to go elsewhere. This book is simple and doesn't waste any time.

Let's take the chapter on dog bites. Now I subscribe to the theory that there are no bad dogs, only bad owners, but if *your* client gets bitten, you might disagree



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and believe that something went wrong in Fido's family. You will want to know what the elements are of my cause of action, the theories of liability, and what affirmative defenses might I encounter. While the book does point to cases from other states, it does appear that it is heavily slanted toward California law.

The authors do offer suggestions for interviews, investigation and discovery. There is a sample form for a motion to produce the owner's insurance policy and dog pedigree, along with settlement strategies and trial preparations. And while the authors discuss the liability of landlords, you will still need to conduct your research to determine how California or your jurisdiction deals with this theory. The chapter also includes form interrogatories, but suggests that the plaintiff's attorney not ask about the facts of the attack; leave that for the deposition.

You will find suggestions for questions at the deposition of the dog owner and an expert in dog training or behaviors. Finally, you will discover sample voir dire questions and tips for your trial preparation.

One might argue a dog bite is a fairly simple case and the facts and types of dogs may differ, but really, a bite is a bite. What about a more complex subject, such as medical malpractice, that involves many different types of medical treatment and injuries?

As with the other chapters, the chapter on Medical Malpractice Cases covers theories of liability and defenses, including several form complaints that you can adapt to your case. Then on to discovery, and that all too frequent Motion for Summary Judgment. While the chapter includes forms for plaintiff's Memorandum in Opposition to Summary Judgment, you won't find much law here. That is for you to provide.

Personal Injury Handbook is a great addition to a personal-injury lawyer's library. It contains quick tips and information that will help to move your case along, covering procedures from A to Z. The advice is solid, and as you go along following that advice and settling and winning those cases, you will have more time to explore the psychology of jury selection and other more philosophical subjects.

Donna Bader, a certified appellate specialist, has practiced for over 30 years in Orange County. She is the former editor of Plaintiff magazine and the author of a new book, An Appeal to Reason: 204 Strategic Tools to help you Win Your Appeal at Trial. www.anappealreason.com.



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