

Practice Tips...

Useful Books

Over the years my partner and I have spent a small fortune on books. While looking through our firm's library the other day, I realized that some of that money was well spent and that we had acquired a number of books useful for the personal injury attorney. What follows is a listing of some of the books that I have used in my practice.



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General Trial Practice

When it first came out I purchased *How To Prepare and Try a Plaintiff's Soft Tissue Neck Injury Case*, by Paul N. Luvera, Jr. which is published by WSTLA. It is the best basic book available on how to try a soft tissue injury case. Also useful is *The Anatomy of a Personal Injury Lawsuit*, published by ATLA. A new edition of this volume will be issued soon with WSTLA's president Jim Rogers acting as its editor.

Also good as a general trial practice reference is the *Trial Handbook for Washington Lawyers*, by Dale M. Foreman, published by Bancroft-Whitney.

Accident Reconstruction

Although it was published in 1979, I have found the best explanation of accident reconstruction in *Traffic Accident Investigation Manual*, authored by Jay Stannard Baker and published by The Traffic Institute, Northwestern University.

Discovery

By far the best basic book on discovery is *Discovery-How to Win Your Case Without Trial*. It was written by John A. DeMay and is published by Prentice Hall, Inc. The book describes each of the basic discovery tools and what you can and cannot accomplish with each.

A very good book on depositions is *How to Prepare for, Take and Use a Deposition*, authored by Robert E. Benson and John C. Tredennick, Jr., published by the James Publishing Group.

Cross Examination

There are many books written on cross examination. Two I have found useful are *The Art of Cross Examination*, by Francis L. Wellman. First published in 1903, this book teaches by illustration using famous cases from the period; also interesting is a very short book called *The Art of Questioning-30 Maxims of Cross Examination*, by Peter Megargee Brown, published by Collier Books.

Evidence

Among the many books on evidence the most useful is *Evidentiary Foundations*, written by Edward J. Imwinkelried, published by The Michie Company. This book describes how to lay a foundation for nearly every type of evidence. In the event you are in front of a very technical judge who requires that a formal foundation be laid for every piece of evidence, this is the book for you.

Brain Injury

Because my practice involves a significant number of brain injury claims, I have taken a special interest in books on that subject. The difficulty is that most texts are so medically sophisticated that they are nearly impossible to understand. Very useful is *Strategy in Head Injury Management*, written by Richard H. Simon and James T. Sayre. This is a book written for emergency room physicians to recognize and understand brain injury.

Another good book is *Mild Head*

Injury, edited by Harvey S. Levin and published by Oxford University Press. Parts of this book are pretty technical, but other parts are useful for framing questions for your experts.

Psychological Injuries

Any attorney handling psychological injury claims must have *Recovering for Psychological Injuries*, written by William A. Barton and published by ATLA. William Barton is one of the recognized experts in handling psychological injury cases and his book is a classic in the field. The personal injury attorney who handles psychological claims also must have the manual used by psychiatrists and psychologists to diagnose psychological injuries, *Diagnostic and Statistical Manual of Mental Disorders (Third Edition-Revised)*, otherwise known as the *DSM-III-R*. It is published by the American Psychiatric Association. This manual contains the diagnostic criteria for recognized mental disorders. It is an absolutely vital tool for preparing direct or cross examination of a psychiatrist or psychologist.

General Medical Information

I hate to admit it, but I use the *Merck Manual* to find general medical information. The *Merck Manual* is published by Merck Sharp & Dohme Research Laboratories, a division of Merck & Company, Inc. This is not the book for detailed explanation of a medical problem. However, if you need a quick overview of a basic medical problem, this is the place to look.

I suppose every list of books for the personal injury lawyer should contain one on soft tissue injuries. I have found helpful *Whiplash Injuries-The Cervical Acceleration-Deceleration Syndrome*, written by Stephen M. Foreman and Arthur C. Croft, published by Williams & Wilkins.

A very useful book for TMJ injuries is *Whiplash and the Jaw Joint-A Manual for Lawyers, Dentists and Insurance Adjusters*, written by Dale M. Foreman and Donald A. Rolfs, published by Book Publishing Company.

Premises Liability

There seem to be few well written books on premises liability. Two that are acceptable include *The Slip & Fall Handbook*, by Stephen I. Rosen, published by Hanrow Press, and *Slip & Fall Practice*, written by Charles E. Turnbow and published by James Publishing Group.

Miscellaneous

An absolutely wonderful book for researching basic insurance issues is *Insurance Claims and Disputes*, by Allan D. Windt, published by Shepard's/McGraw-Hill, Inc.

I found interesting *Dombroff on Unfair Tactics*, by Mark A. Dombroff and published by John Wiley & Sons. This is one of those books that you need to read before trial so that you are prepared for and able to respond to unfair tactics by opposing counsel.

Lastly, if you simply want a book to get you pumped up about trial practice, then read Jerry Spence's book, *Gunning for Justice*.

There really is no substitute for trying cases to improve trial skills. However, you can do a lot to get ready for trial by reading what other good trial lawyers have done.

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