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### Books Received

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## BOOKS RECEIVED

**Personal Injury Practice: Techniques and Technology.** By Lawrence S. Charfoos & David W. Christensen. Rochester, N.Y.: The Lawyers Co-Operative Publishing Co. 1986. Pp. v + 1173. Hard Cover. \$72.50.

A law library is crowded with books, journals and texts filled with helpful information on law and policy. Yet, one may wonder how to begin a law practice. How-to books are common in law but very rarely do they address the establishment of a law practice and the requirements of such a business. *Personal Injury Practice: Techniques and Technology* is a new guide to setting up and running the business of a personal injury law firm. The authors address most of the questions which may confront an attorney who wishes to establish a practice for the first time while keeping the discussion quite general.

The book begins with a discussion of broad areas of tort law and theory and the evolution of personal injury practice. This approach is used to emphasize the point that technology and specialization have created a need for "the techno-law firm." The second part of the work addresses the organization and tools of the trade. Of particular interest is chapter three, which focuses on computers, their place in the office, factors in the decision to computerize, and how to match equipment with office needs. Moreover, chapters five and six should not be missed for they introduce the reader to the structure, administration and management of a firm.

The treatment of pre-trial matters and discovery in parts three and four are informative but less novel. One item to note, however, is the authors' emphasis on office procedure and organization. They include forms for questioning the client and a simple formula to help evaluate a case. Although part five does not supply any new information with respect to litigation, the emphasis placed on the client's role in litigation is helpful and provides perspective on the subject matter.

Overall, the work is informative and engaging. *Personal Injury Practice* is a practical reference for beginning a practice or becoming acquainted with the running of a legal office.

**In the Interest of Children, Advocacy, Law Reform, and Public Policy.** By Robert H. Mnookin. New York, N.Y.: W.H. Freedman & Co. 1985. Pp. vii + 572. Hard Cover. \$22.95. Soft Cover. \$15.95.

Abortion, overcrowding and poor care in custodial institutions, privacy, and due process aspects of these topics rank among the most controversial issues of our time. While these and subjects of similar issues, are not involved in every case concerning the rights of children, they represent the central matter in five cases discussed in a work by Robert Mnookin.

*In The Interest Of Children* describes the emerging place of the judiciary in matters concerning children. Mnookin does not accept the current trend toward judicial activism without careful treatment and discussion of the social and political implications of judicially created juvenile law and reform. Mnookin concludes that in the five complex test cases judicial policy-making did not result in the changes the advocates sought. The author indicates that legislative policy-making serves as a viable alternative to judicial decree.

To begin his work, Mnookin sets apart *Brown v. Board of Education*<sup>1</sup> as a model of the pros and cons of judicial activism in the broadening area of children's rights. He discusses *Brown* as a "children's case" and explains that Linda Brown, a young black girl who walked in excess of a mile past a nearby all-white school to get to her all-black school, was never consulted or informed about the suit her father and the NAACP brought on her behalf. Mnookin analyzes this and other paradoxes in the test cases making up the core of his work. In his discussions he discovers several issues which result from these apparent inconsistencies: who is the real plaintiff; are society's interests served; are the children's interests served; and what are the remedial choices faced by the parties and the court? This last question sparks further inquiry. What is remedial on the particular facts? Will the remedy set an appropriate precedent? How will the remedy affect government or private agencies? Can the remedy be implemented? Can the children's interests be served?

Mnookin uses *Brown* to show that significant questions do not always have answers. Analysis of five cases: *Smith v. Offer*<sup>2</sup> (a study by Charles Wald in part III), *Bellotti v. Baird*<sup>3</sup> (a study by

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1. 347 U.S. 483 (1954).

2. 431 U.S. 816 (1977) (plaintiff challenged an agency's removal of a foster child from a foster home of more than a year based on the foster parent's arthritis where no pre-removal hearing was held).

3. 443 U.S. 622 (1979) (plaintiff challenged a statute which prohibited unwed minors

Mnookin in part IV), *Halderman v. Pennhurst State School and Hospital*<sup>4</sup> (a study by Robert A. Burt in part V), *Roe v. Norton*<sup>5</sup> (a study by Stephen D. Sugarman in part VI), and *Goss v. Lopez*<sup>6</sup> (a study by Franklin E. Zimring and Rayman L. Solomon in part VII), reflects a pattern wherein cases leave many questions unanswered.

These studies and Mnookin's observations are insightful and thought provoking. The work is not a study of law reform. Rather, it is a wonderful introduction to the complex policy questions and broad concerns raised by juvenile-related cases. Additionally, the reader can gain an awareness of legislation and future judicial decisions which will result from the ever growing demand for juvenile related reform.

**Statistics In Litigation, Practical Applications For Lawyers.** By Richard A. Wehmhoefer. Colorado Springs, CO: Shepard's/McGraw-Hill. 1985. Pp. vii + 506. Hard Cover. \$75.00.

It is difficult to imagine an area of litigation that has not felt the impact of statistical data or been shaped in some way by the use of statistical formulae. Richard A. Wehmhoefer, an attorney and professor of business, has authored a very important work on the application of statistics in law.

Any book for lawyers regarding statistics must overcome two obstacles: first, the intimidation caused by statistics; second, the application of statistics is often imposing because of their fierce-looking formulas. Wehmhoefer demonstrates that these are not valid concerns. The field is complicated, but no more so than any other concept prior to its explanation.

The work is detailed and complete and a breakdown should prove helpful. The first nine chapters explain statistics, their flaws and the limitations on their use. Chapters 10 through 15 set out the use of statistics in the defense of personal and constitutional rights. Business topics and the use of statistics in related litigation are

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from obtaining abortions without prior consent of both parents or court action overriding parental refusal).

4. 451 U.S. 1 (1980) (a mother's challenge designed to create better conditions for her mentally retarded daughter at a state institution which grew into a fight to close the facility and enroll the occupants into community based facilities).

5. 415 U.S. 912 (1974) (a challenge to stop Connecticut welfare officers from requiring unwed mothers receiving welfare to cooperate in establishing paternity of their children). *See also* 417 U.S. 943 (1974); 419 U.S. 893 (1974).

6. 419 U.S. 565 (1975) (challenging the suspension of black students without a hearing because of racial conflicts in an Ohio school).

presented in chapters 16 through 21. Finally, the application of statistics to damages and causation are discussed in chapters 22 through 26. In addition to these well diagramed chapters, the author makes the work accessible with a complete table of contents and index.

The book may have one flaw if the reader does not have a background in statistics: the concepts discussed are cumulative, thus, the work is not a simple desk reference for the beginner. However, once the book is thoroughly read, and the general concepts understood, the reference value is extremely high. The book is a well written text on an increasingly integral subject in the practice of law.

#### *ADDITIONAL BOOKS RECEIVED*

**The First Amendment and School Employees: A Practical Management Guide.** By Kelly Frels & Merri Schneider-Vogel. Topeka, KS: National Organization on Legal Problems of Education. 1986. Pp. 22. Soft Cover. \$7.95 (non-members), \$6.95 (members) plus \$1.50 postage and handling.

**How To Prepare a Legal Citation.** By Elaine C. Maier. Woodbury, N.Y.: Barron's Educational Series, Inc. 1986. Pp. vi + 228. Soft Cover. \$6.95.