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Book Review

Howard L. Oleck
Cleveland-Marshall Law School

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Book Reviews

Reviewed by Howard L. Oleck*

READY FOR THE PLAINTIFF: by Melvin M. Belli. Published by Henry Holt and Company, New York, N. Y., 338 pp.; including footnotes, appendix of 11 pages of notes, and index of 13 pages. 1956.

"Colorful" would be a mild word to describe Melvin M. Belli of the California Bar, whom *Life Magazine* called "The King of Torts." Widely known as one of the world's leading plaintiffs' lawyers, his successes in trial work are the subject of both glowing eulogies and bitter denunciations.

Belli is the man, perhaps above all others, who has made demonstrative evidence a devastating courtroom weapon. He is a paladin of the legal world, whose outspoken views on personal injury law and practice are variously praised and damned throughout the nation. When the author of the legal best-seller—*Modern Trials*—writes a popular book on personal injury law and practice, everyone must sit up and take notice.

Your reviewer hesitated about reviewing this new book. Mel Belli is an Advisory Editor of *Negligence and Compensation Service*, of which your reviewer is editor-in-chief. Yet one likes to think that he is an objective student of the law, and not a special pleader for either the plaintiff's or the defendant's point of view. Respect for an author's undoubted talents need not prejudice a review in his favor. Neither need dissent from some of his more extravagant views prejudice it against him. One of the compensations of being a reviewer is the opportunity to be just a bit outside (note that I did not say "above") the legal arena. After all, some of my best friends are negligence defense counsel, too.

Characteristically, Belli starts his book with an "Opening Statement" that includes some remarks calculated to make an insurance company lawyer's blood pressure rise. For example:

Speaking of "the unjust refusal to award to an injured person the money that can be, at best, but a poor recompense for his pain (etc.) . . .," he labels this "the *shortchanging of cripples*" (italics, *his*). Surely not *every* defendant, guilty or innocent alike, is a "shortchanger" for not forthwith emptying all pockets for any and every claimant!

* Professor of Law, Cleveland-Marshall Law School.

Then he says modestly, of the work of NACCA (National Association of Claimants' Compensation Attorneys) that the efforts of himself and others therein were ". . . for *you*" (italics, *his*), and that those efforts produced "really Herculean achievements. . . ." Come now, wasn't there just a teeny, weeny bit of self-interest in these truly notable achievements of the members of NACCA?

Finally, in describing his personal efforts in writing *Modern Trials*, he shyly admits that in writing this book ". . . in those two years I averaged two hours' sleep on week-nights—one on week-ends!" Remembering that even Napoleon required four hours of sleep per night, we are moved to reverence.

Despite such hackle-raising quotations, let me hasten to add that *Ready For The Plaintiff* is a top-notch book. Really good. In fact, excellent. Packed with valuable and fascinating data, details, and anecdotes. It bespeaks a very learned, scholarly and able lawyer, whose flashing (sometimes brutally trenchant) style grips and holds the reader's attention. More, it is annotated with a seeming casualness that looks disarmingly sketchy, but actually is punctiliously correct despite its sweeping scope.

In short, Belli has done it again. With one short (311 pages) "popular" book, he has achieved greater impact on the public mind, and probably on the law and the courts, than the combined publications and fulminations of many insurance and bar association "crusaders" combined.

So deftly does he do it! Chapter 1 tells us what a "tort" is, in everyday English. A novelty that. And, too, what follows a tort, with many sprightly anecdotes. More of this, in Chapter 2. Then, how the insurance companies "bet . . . your life and limb" with far better odds (for them) than does "the struggling bookie on the corner." This chapter (3) is guaranteed to shorten the life expectancy of every insurance company executive.

Chapter 4 asks "What's 'Your' Leg Worth?", with some of the juiciest accident photos ever. One startling close-up shows the charred "hamburger detailed" head and torso of a well-fried victim who died trying to crawl out of a wrecked car windshield. Flames still are licking the corpse. The detail is excellent. The face is burned into a bubbly mass, challenging the reader to make out the former facial features. Here is "demonstrative evidence" with punch and zing.

Chapter 5 throws a sharp harpoon into some comparative damage award figures. Texas, Colorado, Wisconsin and es-

pecially Missouri courts are pilloried for their miserly damage award rules. They deserve it, too, according to many observers.

Chapter 6 disposes acidly of "fake claim" cries of insurance companies. Next, the story of how inadequate awards were raised to "more adequate" levels. Next, the frustrating problem of medical malpractice and the doctors' unwritten code that no physician should testify against another, right or wrong. Then on to the problem of \$30/wk. maximum workmen's compensation awards that bar actions for damages even for clear negligence. Railroad torts, and the dreamlike damage limitation rules of the Warsaw Convention on airplane accidents, follow.

After this, in order, come discourses on trauma, defamation, legal process, ambulance chasing and union lawyers and defense lawyers associations, lawyers, more pictures, legal fees, investigation techniques, statutes of limitations, court congestion, jury trial, jurors, judges, legal history, and the general unfairness of treatment of personal injury lawyers. Then, last, a *Summation* chapter. *Selah.*

One is obliged to bow in admiration. There is high artistry in this book. It makes its points with all the deftness of a battle axe in a strong hand. But, *brother*, it does make its points.

Not for Belli the "friendly persuasion" of cold, passionless logic. Rather the thunderous "*J' Accuse!*" that makes an opponent quail. No slow keys needed, when a battering ram will do. Agree with him, or disagree with him—you cannot deny that Belli is a top notch lawyer and a powerful advocate, in the courtroom or in print.

Great fun to read! I would give much to watch a liability insurance company president reading this book.

Naturally, in a *personal-view* book like this, the first person singular would be expected to crop up on every page. It doesn't. Belli says "I" unabashedly when he has to—otherwise not. Of course his photo decorates both front and back of the book jacket. But he is a handsome man, and the pictures are good. So are the 66 inside photographs, in which the author appears in only twelve. The book binding is plain, and it is printed on thick paper and in a good, clear type face.

To conclude then—this is one of those few books about law and lawyers that should appeal equally to lawyers and laymen. A rousing, fighting book that deeply believes in what it says, and says it superlatively well.

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