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Trauma and the Automobile edited by William J. Curran and Neil L. Chayet

Joe C. Savage

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The properly employed inter vivos trust is, of course, a helpful, frequently-used and estate planning device, that in this day of emphasis on trusts and estate planning in law schools, bar journals, and continuing legal education programs, is familiar to both lawyers and laymen. Yet, Mr. Dacey has the gall to state:

Few laymen know about a living trust. Indeed, only a small proportion of attorneys know about it or understand its use. At least half of the attorneys who *do* know of it will either deny that knowledge or strongly advise against its use. The inter vivos trust, you see, is exempt from probate. Most attorneys derive a substantial proportion of their income from seeing the estates of deceased clients through probate. Seriously, now, do you expect them to tell you how to avoid probate? I would put the proportion of attorneys who know about and recommend the inter vivos trust at less than 1%.⁶

One wonders how Mr. Dacey reached his figure. The book establishes one statistic beyond question, however. At least one of "America's leading estate planners" does not fully understand the concept of an inter vivos trust.

*Julian C. Juergensmeyer**

* LL.B., Duke University; member, Ohio Bar; Assistant Professor of Law, Indiana University.

TRAUMA AND THE AUTOMOBILE. Edited by William J. Curran and Neil L. Chayet. Cincinnati: W. H. Anderson Company, 1966. Pp. 475. \$14.50.

A book which is a composite of articles by many authors usually fails for lack of continuity and a central theme. *Trauma and the Automobile* is, for the most part, an exception.

Fifty thousand dead, one million injured, and two billion dollars property damage each year, and rising each year, reads like the statistics of an international holocaust; however, these are the figures for yearly automobile accidents in the United States. Little wonder, then, that Curran and Chayet of the Boston University Law-Medicine Institute have made the reduction or even the stabilization of such figures the central theme of this book.

Believing that past approaches to the problem have tended to place the blame on one of three causes—the driver, the vehicle, or the highway—the editors state that what is presently lacking is a joining of forces so that the problem can be attacked from all sides. The book, therefore, is a compilation of articles. It is divided into

⁶ *Id.* at 13.

five parts, *viz*: the vehicle, the driver, traumatic medicine, automobile litigation, and proposals for a better system through future research.

As to the vehicle, various articles show the effects of automobile design on injuries and what can be done to promote safer design. Twelve years of automotive crash research by various persons and institutions have conclusively shown that cars can be made much safer. The effects of the "second collision," *i.e.*, the collision of the passenger with the interior of his own vehicle, can be minimized by "passenger packaging," much like goods packaged for shipment. Seat belts, padded dash, and stronger door locks are examples of passenger packaging designs recently implemented by the industry.

The industry has been criminally slow in altering design for safety. Several authors, therefore, address themselves to the problem of how to prod the plodding. There is an article by Ralph Nader on the role of the federal government in automobile safety and an article by Albert Averbach on products liability. The former champions federal intervention because a problem of such national magnitude can best be solved by that instrumentality which governs nationally, Congress. The latter champions the plaintiff's trial bar, since corporations might respond more quickly to demands for safer design when they are tapped for large judgments. Although written in 1963 and therefore somewhat outdated in this mushrooming area of products liability, Averbach's article is a classic.

As to the driver, several articles deal with him. Understanding the driving act and what is required of a person performing it has yet to be accomplished. Little research has been done, but there are "medical factors," namely, physical, mental, or emotional states, which have been isolated. The articles discuss many relevant matters: the effect of drugs, alcohol, stimulants and hallucinogens; physical disabilities and mental and emotional states (such as aggression, suicide, and hostility). One interesting article discusses the use of a driving simulator for conducting tests and for driver education.

As to the third part, traumatic medicine, several articles consider the problems of diagnosis, treatment, and rehabilitation of accident victims. Here the central theme of the book (approaches to reducing accidents, deaths, and injuries) swings from accident prevention to injury minimization through more intelligent medical understanding and care. One article, discussing injuries resulting from a selected group of 125 accidents, shows typical injuries as a result of speed, position in the car, angle of impact, and objects struck within the car. A debate on whether "whiplash" is medically real or merely a myth demonstrates the need for better medical understanding of human

tolerance to stress. An article on poor emergency room facilities throughout the United States demonstrates the need for better medical care.

Part four, automobile litigation and proposals for better systems, contains various articles which describe the present system and whether other methods of handling claims would be better. The central theme has now switched from injury minimization to injury compensation.

In describing the present liability for fault system, the editors included articles on the preparation and trial of a "darting child" case, the role of science in accident reconstruction, the use of photographic evidence in litigation, and a most fascinating study of the jury and its function by Harry Kalven, Jr. For the trial attorney, this article alone is worth the price of the book. In a given case, does a white, third-generation American, Catholic, middle-aged, married female make a better juror for the plaintiff than a Negro, Protestant, young, skilled laborer, single male? In suggesting other methods to compensate accident victims, the editors chose an article by Robert E. Keeton and Jeffery O'Connell on basic protection insurance. This is another in a long line of attacks against the present system of shifting loss on the basis of fault.

As to the fifth part, future paths of research, articles concentrate on the problems involved in automobile accident research. Here we are given a peek into the future as to how accidents might be researched and solutions offered. One article, for example, deals with systems engineering. The central theme has evidently shifted back to accident prevention, *i.e.*, prevention via sophisticated engineering analysis and control.

The book is not a must for anyone. Lawyers don't need it to practice law, doctors don't need it to practice medicine, law students don't need it to pass the Bar, and insomniacs don't need it to pass the time. However, human beings, either as pedestrians, drivers, or passengers, should be happy that these two gentlemen in Boston have taken such a unique and total approach to a problem that touches us all so deeply. It is through such creativity and foresight that mankind inches towards solving its ills.

*Joe C. Savage**

* LL.B., University of Kentucky; LL.M., Harvard; member, Kentucky Bar.