

1957

Book Review

Heinz Gasser

Follow this and additional works at: <https://engagedscholarship.csuohio.edu/clevstlrev>



Part of the [Legal Remedies Commons](#)

[How does access to this work benefit you? Let us know!](#)

Recommended Citation

Heinz Gasser, Book Review, 6 Clev.-Marshall L. Rev. 367 (1957)

This Book Review is brought to you for free and open access by the Journals at EngagedScholarship@CSU. It has been accepted for inclusion in Cleveland State Law Review by an authorized editor of EngagedScholarship@CSU. For more information, please contact library.es@csuohio.edu.

overindulgence. Actually such admiration is necessary, plus great diligence, to produce a work of this caliber.

The great length of this book, 914 pages, may deter some readers, but the writing is clear and to the point, and the footnotes do not encumber the text. This is a tailor-made biography for members of the legal profession, well worth the time and effort.

* * *

*Reviewed by Heinz Gasser**

DAMAGES TO PERSONS AND PROPERTY, 1957 Revised Edition, by Prof. Howard L. Oleck of Cleveland-Marshall Law School; 1343 pages, published by Central Book Company, New York, 1957.

This work is designed to help the lawyer and the student to a systematical and practical mastery of a body of law which is highly theoretical and unsystematic. *Damages to Persons and Property* has an intriguing dual purpose: to tell the busy practitioner *how much* compensation his client is entitled to, and also to give the necessary historical, medical and technical background in highly concentrated and well organized form.

The volume is divided into three main parts and two appendices, and the sequence of the material is the same as that used by most lawyers in actual preparation of a case:

Part I, General Analysis and Theory. Here, the effort has been to present the theoretical law of damages. Emphasizing the practical approach, the author has kept discussions of ancient and overruled theories to a minimum and thus has stressed the modern aspects of the law.

Part II, Pleading and Practice. The forms presented in this part are basic only. The author's companion work, *Negligence Forms of Pleading*, (1957 Rev. Ed., Central Book Company, New York) offers complete and detailed pleadings.

Part III, Specific Injuries and Subjects. This section contains a world of useful information. The method employed here is a simplified version of the digests published by the national reporter systems. The material is completely indexed by word

* B.A., University of Cincinnati, and a second year student at Cleveland-Marshall Law School.

index, and also is cross-indexed within the text. Specific subjects are arranged alphabetically, and are grouped into chapters, each chapter treating a group of subjects which are unrelated but which fall under the same letter of the alphabet: e.g., "Hands," "Head," "Hearing," or "Telegrams," "Tenants," "Trespass," etc.

The emphasis has appropriately been placed on damages in personal injury actions. Illustrative amounts of judgments from the late cases have been given at many points, together with discussions of the injuries or losses to which they apply.

The emphasis on personal injury damages inevitably caused a relative brevity of detailed discussion of some aspects of contract damages. This defect, if it is a defect, apparently was deliberately preferred, in order to allow ample space for the more important subject of personal injury damages.

Appendix I, How to Use Life Tables and the Present Value of Loss of Future Earnings. This is an article contributed by Mitchell Leikin, Esq., of the Chicago Bar.

This section, as well as the next following one (Appendix II), is new in this 1957 edition. In my opinion, the author's decision to incorporate this additional material has been a most fortunate one. The two appendices not only supplement the preceding parts, but also constitute an excellent complement to the work.

All the standard tables of mortality, and even the less frequently used ones, are discussed here, are explained and defined, and are compared and criticized. Aided by practical illustrations, you are introduced to the intricacies of further subjects: Life expectancy and work life expectancy methods; whole life annuity or temporary life annuity methods; present value and interest rates; average earnings; substandard risks; instructions to the jury, and so on. In concluding this section, two complete illustrative direct and cross-examinations of actuaries are offered.

Appendix II, Tables of Damages Verdicts for Personal Injury and Death Actions. The first few pages of this section contain, in table or schedule form, a study of settlements made in one hundred cases. These examples, of course, are intended to, and readily do serve a wider purpose. The schedules contain the information in five columns, as follows: Name of Defendant; Nature of Accident; Injury Sustained; Number of Days Disabled; Amount of Compensation Recovered.

The bulk of this appendix, however, is devoted to a large number of *tables of anatomical injury awards*. They are either in tabulated or in paragraph form, classified under headings which describe the organ or portion of the body they have reference to. To a practitioner, these tables alone are worth the price of the book.

Both the contents and the format of this work are so unique, and so radically different from the few and out-dated other texts available in the field of damages, as to make comparisons quite unnecessary. The contents are, as I have already attempted to describe in this review, eminently *useful*. Practically every feature I have stressed here is simply not to be found in the ordinary textbook.

As to the format: *Damages to Persons and Property* is a loose leaf volume, and the pages can easily be substituted. Actually, the 1957 revision consists of over 300 new pages, which can be obtained separately, and which bring the previous edition up-to-date. Some of these pages replace old ones, others are additions, introducing recent cases, indicating new trends in the law, or presenting new subjects and additional material. In all cases the new pages are perfectly blended into the text and do not interfere with the continuity of the work.

This book, in substance, is tangible proof that theory can be wedded to practice, and that the result is most practical and useful.

* * *

*Reviewed by Winifred R. Higgins**

OHIO METHODS OF PRACTICE: by Samuel J. Weiner and Zellie Miner. Published by West Publishing Company, St. Paul, Minn. Two volumes. 1957.

In the authors' words, the purpose of this work is "to lessen the lawyer's burden, and provide him with an up-to-date, ready, working tool for the efficient handling of the transactions most frequently encountered in the modern law office." With this

* Alumni Secretary of Cleveland-Marshall Law School; attended Western Reserve University; and LL.B. from Cleveland-Marshall Law School; and member of the Ohio Bar.