

1957

Book Review

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Recommended Citation

Paul E. Jacobs, Book Review, 6 Clev.-Marshall L. Rev. 559 (1957)

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Book Reviews

*Reviewed by Paul E. Jacobs**

565 INDUSTRIAL COMPENSATION CASES: Editors, Richard F. Gonda, J. Arlen Marsh and Ivan W. Louis. Industrial Publ. Corp., 812 Huron Rd., Cleveland 15, Ohio, 491 pp., \$12.50.

The Industrial Compensation attorney has a new tool.

It is a compilation of 565 industrial compensation decisions handed down by state and federal courts. The majority are opinions rendered since 1953.

While the volume—*565 Industrial Compensation Decisions*—is not a cure-all for long and tedious research, it is a most useful starting point, providing cases in point.

The authors point out in the Foreword that “the result achieved in a given case is not necessarily the result which would be achieved in the reader’s state under a similar situation. Law, both statutory and by judicial decision, is constantly changing.”

It is because of this state-to-state variance in statutory and case law that the volume does not preclude the necessity for research within a given jurisdiction.

The compilation was made by Richard F. Gonda, legal consultant and contributor, J. Arlen Marsh, editor, and Ivan W. Louis, associate editor, of Occupational Hazards Magazine, one of the group of The Industrial Publishing Corporation of Cleveland.

Devoted to industrial safety, the magazine contains a column written by Mr. Gonda entitled “Right Off The Docket.” The material contained in the book was gleaned from that column.

Edwin M. Joseph, publishing director of the magazine, said that the lack of compiled information on compensation cases—most helpful and useful to plant safety personnel, attorneys, insurance companies and others concerned with industrial compensation—was the primary reason for producing this volume.

The brief introduction examines the theory behind the workmen’s compensation laws by posing a series of questions: What is workmen’s compensation; what is behind the system whereby

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an employee is given cash benefits and medical care for work-connected injuries; who pays for these benefits?

Concluding that compensation awards are a compromise between actual loss of earning capacity and the amount needed for support, the authors place workmen's compensation as something between the common law theory of tort liability and a public social relief system. A good compensation law, they add, will neither penalize the employee by the inclusion of common law restrictions, nor resolve all claims in favor of the worker simply on the theory that he has been injured and therefore should be paid.

The fact situation in each case presented is adequately detailed, so that cases arising from day to day may be compared and possible decisions anticipated. The salient features of the courts' rationales are presented, so that the bases of the decisions are immediately apparent in either allowance or disallowance of the claims.

The cases are illustrative of the nine chapters into which the volume is divided: Accidents Arising Out Of Employment; Course of Employment; Course of Employment—The Employee's Activity; Misconduct By The Worker or His Employer; Accident; Employment Status; Disability—Benefits and Dependency; Making The Claim; Conflicts—Law and Insurance.

Each of these chapters is subdivided into sections examining among other facets, Acts of God, The Street Risk Doctrine, Risks Personal To The Employee, Successive Awards, Jurisdictional Interests In A Claim, Rights Between Insurers, and many others.

Applicable general rules are stated in a brief discussion at the beginning of each chapter and section. The illustrative cases of claims allowed and disallowed are taken from every state except Nevada, the federal courts, and the courts of Alaska.

The cases are indicative of the application of the general rule in some jurisdictions and adherence to the minority rule in others. It may well be, of course, that it becomes imperative for the reader to learn for himself whether, in a particular issue, the jurisdiction in which his case arose follows the majority or minority rule. It is impossible, within the confines of the book, to examine every jurisdictional holding on all issues arising under the workmen's compensation laws.

If the issue has not been ruled upon previously within the jurisdiction hearing the case, the volume presents ample precedent for claimant, insurer or employer.

The volume can serve double duty both as an excellent reference work and as a primer for those who are first finding their way in the intricacies of workmen's compensation law.

The detailed index facilitates rapid research and comparison of pertinent cases and decisions, and is based on the listing of specific injuries and the fact situations under which the injuries were sustained.

Complete legal citation follows the decision rendered in each case.

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*Reviewed by William K. Gardner**

THE OHIO PRACTICE MANUAL: by Frank C. Leyshon. Published by W. H. Anderson Co., Cincinnati, Ohio, 992 pp. 2d ed., 1956.

The late Walter T. Dunmore, while he was Dean of the Law School at Western Reserve University, said:

"The curricula of our law schools and the indices of our law libraries furnish proof of how little teaching and how relatively few law books are devoted to procedure. We seem to have succeeded much better in developing substantive law than in the adjective field. Law graduates, often well trained in determining the rights of a client, are at a loss when it comes to a determination of the exact procedure necessary effectively to secure those rights. Demand for procedural reform is everywhere heard. The first requisite of progress is a clear understanding of existing practice."

To fill this need, Leyshon set out in the early 1930's to produce a book, unlike any other book ever before published, which would provide a clear picture of the procedural system of Ohio.

To do this, he set up the book in sections based on the various courts, such as Probate Court, Common Pleas Court, and others. In each court section there is a basic Outline setting forth the procedure in any general action filed in that court. All actions governed by special statutes, or which do not follow the general procedure, are set forth in separate Outlines. Each outlined action sets forth the procedure, starting with the filing of the

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