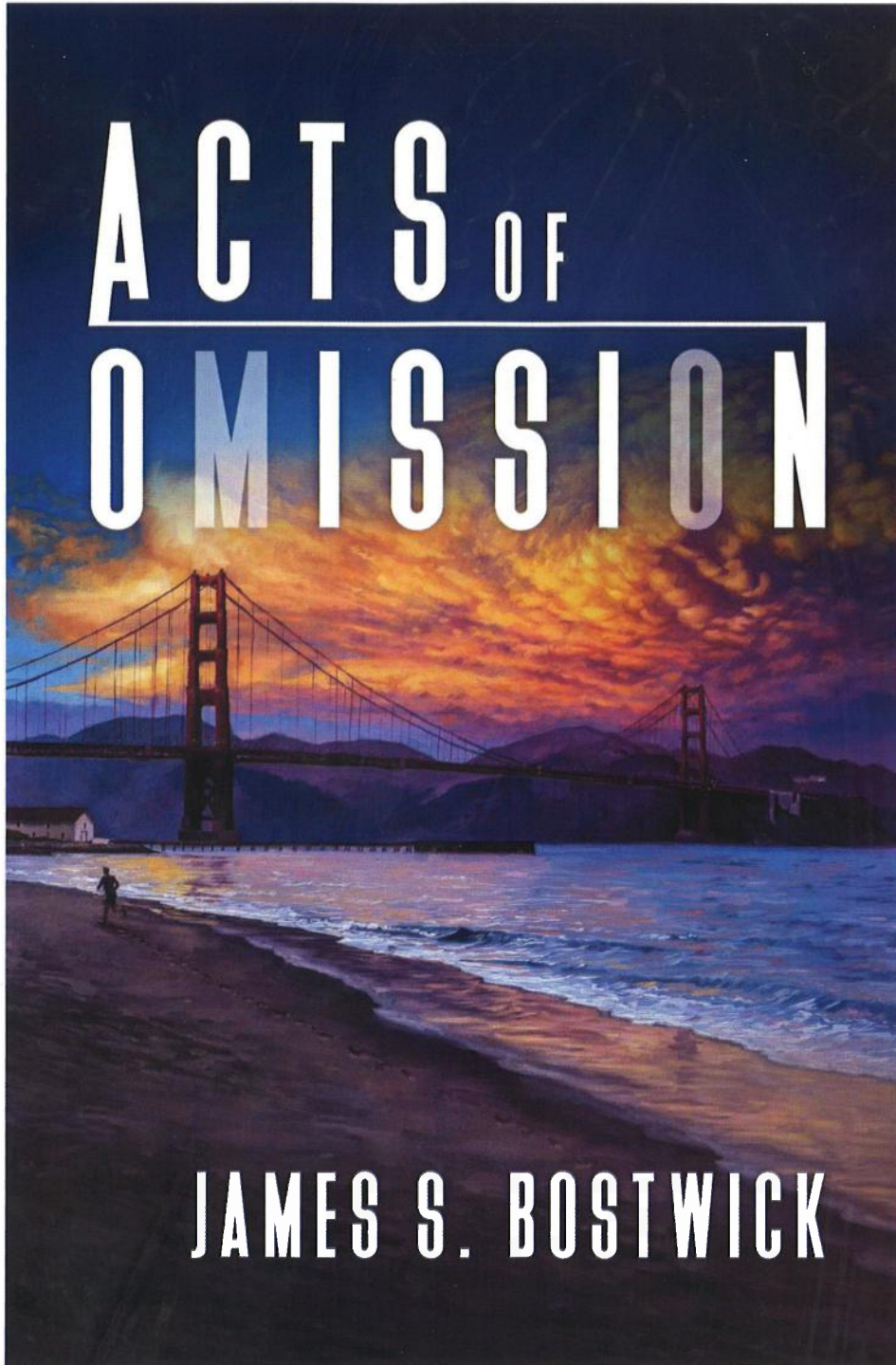


# ACTS OF OMISSION by James S. Bostwick, Esquire



## ACTS OF OMISSION

By James S. Bostwick, Esquire

417 pages

\$19.76, Post Hill Press 2019

I don't read book reviews. That's an overstatement. It would be more accurate to say that I don't read a book review if I think there's a reasonable chance that I might actually read the book. That's because the typical review ruins things. It not only tells you virtually the whole story but tells you how you should be reacting as you read along.

So, to protect the reader from learning too much and thereby spoiling the tale, the information in this review is limited, for the most part, to what the reader will learn in the first 15 pages or so of the book. The book is so realistic that it is easy to lose sight of the fact that it is a work of fiction.

This is a book about a trial lawyer written by a trial lawyer. But, unlike virtually every other book of that genre, this book is not about a criminal defense lawyer handling a criminal case.

Instead, this book is about a plaintiff's personal injury lawyer handling a catastrophic injury case in which liability is very dicey. Matt Taylor is an almost-40 plaintiffs' personal injury lawyer who has a referral practice, with most of his cases coming to him from lawyers who don't do trial work. Taylor is a capable trial lawyer who is looking to break out of the pack and be thought of as among that elite cadre of go-to lawyers who handle the biggest and best cases.

The case in question involves a 20-year-old young man, Todd Gleason, rendered a C6 quadriplegic following an automobile accident. Todd was originally represented by Salvatore Conti, known as "The Prince of Personal Injury," who is reputed to own the town (San Francisco), the courts, and the media. Conti settled Todd's case against the driver for something less than the \$1 million insurance policy limits. End of Conti's involvement. The case tendered to Taylor, with the statute of limitations on the verge of running out, would be a legal malpractice claim case against Conti. The theory would be that Conti

overlooked and thus neglected to pursue a medical malpractice case against the attending physicians and the hospital premised on the notion that the critical damage to Todd's spine that left him paralyzed below the C6 level happened after Todd was taken to the hospital. So, if he takes the case, Taylor faces the daunting task of proving a medical malpractice case against the doctors and hospital as a predicate to a legal malpractice case against Conti—who, of course, will contend that he was retained to handle only the claim against the automobile driver. Conti, it might be said, is destined to be remembered as one of the legendary villains of lawyer fiction, a defendant who is not content to play defense.

In handling Todd Gleason's case and others, Taylor deals with the gut-wrenching problems that trial lawyers, particularly those on the plaintiff's side, confront too often, including the expert who commits to prepare a report and testify and then bails out with the deadline for reports looming; the client with a dubious case who will not accept his lawyer's recommendation that he

agree to a reasonable settlement offer but instead, insists upon going to trial—and then turns on his lawyer when the jury comes back against him; the client who, when presented with a settlement offer, says to his lawyer, "Whatever you think;" the judge whose view of the merits of the case makes him unforgiving about deadlines; etc.

Taylor has a less-than-perfect personal life. He is divorced, dating only casually, and has limited visitation rights with his young son. Naturally, a promising romantic interest appears early on in the book, and the story of that developing relationship is skillfully interwoven with the tale of Todd Gleason's case.

The book is not perfect. (The perfect novel has yet to be written.) For example, four weeks before the start of the trial, Taylor takes the weekend off to spend some relaxing time in his mountain cabin. In my own experience, by that time, the case has taken over your life. A weekend of leisure is something to be remembered longingly. But this and other quibbles are only that: quibbles. Besides, the author needs time and space

to develop the love story.

Speaking of the author. James Bostwick is a blue-chip plaintiff's personal injury lawyer from San Francisco. He has won verdicts totaling over \$500 million dollars, and, at one point, won the largest medical malpractice jury verdict in U.S. history. He knows whereof he speaks.

Bostwick has written a book so realistic that, until the jury renders its verdict, you do not know whether you are headed to a happy ending or a crushing defeat.

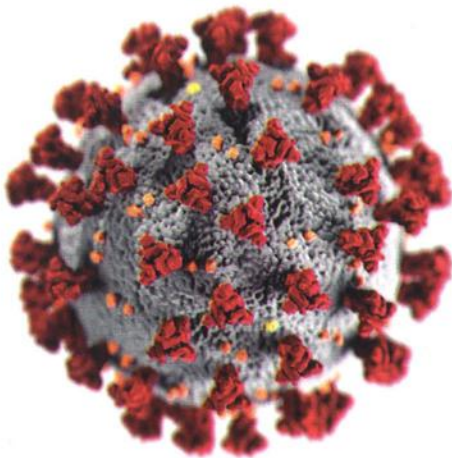
The book's excellence is reflected by its nomination for the 2020 Harper Lee Award for Legal Fiction and by the fact that it is under contract to become a movie.

With the hope that I have not given away too much, I commend this one to you. ■

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## Have an Ethics Question?



The spread of **COVID-19** has caused major disruptions among lawyers, the courts and our clients. Nevertheless, lawyers are still bound by the **Rules of Professional Conduct**. Are you prepared to address the **ethical issues** that may arise in this **rapidly changing** legal landscape? The Philadelphia Bar Association's **Ethics Hotline** is a **free confidential** service for Pennsylvania attorneys. Call **215-238-6328**.