

Accidents Happen: But Who's Going to Pay the Bills?

Allan P. Wilkinson

Reza Torkzadeh

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The authors of *Accidents Happen* assert that if you are injured as a result of another person's negligence, "this book contains almost everything you will need to know" about the personal injury legal system. Torkzadeh and Wilkinson, two experienced California trial lawyers, substantially deliver on this promise.

Accidents Happens reads at times like a Cliffs Notes introduction to a law class in torts. It is clear, concise, and devoid of frills or filler. Readers are given a brief but detailed overview of the civil court system in California and an explanation of how a normal civil suit works its way through that system. Theories of comparative and contributory negligence are examined and contrasted in easy to understand language. Contributory negligence often will prevent an injured person from recovering damages, while comparative negligence may work only to reduce the amount of damages recoverable.

The authors then move on to a series of chapters on various kinds of incidents that may cause injury or death, ranging from auto or truck accidents to dog bites and bungee jumping. In nearly all of these chapters, Torkzadeh and Wilkinson offer background information that places the particular type of tort being discussed in a broader context. For instance, the authors report that in 2008, one out of every nine traffic fatalities resulted from accidents involving large trucks. Later in the chapter they note that new regulations issued in 2009 by the National Highway Traffic Safety Administration requiring large trucks to be equipped with more effective brakes will improve their stopping distance by thirty percent, thus making operation of these trucks safer.

The final chapters offer a brief discussion of various kinds of injuries and the types of damages a litigant can expect to recover.

This book is a valuable tool for readers pursuing litigation in California for an injury or the death of a loved one resulting from the negligence of another. It is a well-conceived and thought-provoking essay on the state of negligence law and the operation of the civil jury system in California. Readers living elsewhere will find information in this book that is applicable to their own experience, too.

Accidents Happen would have had even greater impact on a larger audience, however, if the authors had expanded their discussion on the importance of the jury as a check on judges in the civil justice system. Furthermore, they could have included a stronger defense of the existing tort system in the United States. Torkzadeh, who in 2010 was listed as a California Super Lawyer Rising Star, and Wilkinson, who has experience working for the well-regarded trial lawyer Melvin Belli, are extraordinarily qualified to defend the existing negligence and civil jury system. They missed a wonderful opportunity to include such material in this book.

JOHN MICHAEL SENGER (June 23, 2011)

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