

# Book Review

By Patti R. Roberts\*

## *Litigating Employment Discrimination Cases*

By Andrew Friedman

James Publishing Inc., 2005 (\$129.00)

One might ask, "Do we need yet another book about employment discrimination?" Aren't Mathew Bender's treatise, "California Employment Law," CEB's misnamed book, "Advising California Employers," and the newish Rutter volumes on employment law, as well as all the others, enough? Well, before I had the opportunity to review Friedman's contribution to the literature, I might have said yes. But after a reading of the two volume text my response is "This is just what we need." Friedman's exhaustive text is excellent. Combining a very thorough review of the federal law of employment discrimination law, with a comprehensive how-to manual, this reasonably priced new offering from James Publications, is an excellent addition to your employment law library. James Publishing has a number of other plaintiff oriented employment books, as well. There is considerable value in this text whether you are an old hand or new, at this practice area. For an associate or paralegal just starting to work on these types of cases, the book would be invaluable, particularly because it tracks discrimination cases from beginning to resolution.

Though primarily geared to the plaintiff's attorney, I don't doubt that a defendant's attorney would find a great deal of useful information in these volumes as well. Well organized and well indexed, this text does something that the other texts, mentioned above, do not. Friedman actually describes how these cases are litigated, and he does that in considerable detail. He starts from before the beginning of a case, the first call from a troubled employee, through the information gathering an attorney must do before a decision is made as to whether or not to take the case, and through the interviewing and investigating process. Included is an evaluation of attorney-

client fee agreements, the pros and cons of writing a demand letter, detailed analysis of drafting a complaint, and exhaustive materials on discovery, samples of motions as well as trial documents. Because the text is written by an attorney who has had a good deal of experience with these cases, practical questions are answered that are generally ignored by most other available books. One example is the book's advice on the pros and cons of getting written declarations from potential plaintiff witnesses before filing.

Especially useful in any hands-on manual is the availability of high quality forms or templates, and this book is chock full of useful materials. I particularly liked the fact that it includes not just the type of forms

you might find elsewhere, e.g., complaints, discovery requests, but also samples of letters to clients outlining expectations, letters instructing clients about depositions and the do's and don'ts of answering questions. The letters are so comprehensive that the main problem a practitioner might foresee is that the client won't take the time to read all of it. A joint prosecution and a joint defense agreement is included, as are sample motions in limine, trial exhibit forms, juror questionnaires, and jury instructions.

The major weakness in the text concerns what is not there, rather than what is. The focus is overwhelmingly on federal law and federal procedure, and since most plaintiffs will be filing their cases in state court, the lack of an extensive discussion regarding state law and procedures creates a real gap and could be dangerous. Though many of the critical areas of divergence are mentioned, e.g., the difference between disability rights law under the federal ADA and California's FEHA, case law and procedure in California are not covered. I'll look forward to the author's inclusion of more state materials in the next edition. ☞



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