

California Practice Guide

PERSONAL INJURY

CHAPTERS 1-2

Justice Zerne P. Haning (Ret.)
California Court of Appeal
1st Dist., Div. 5

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Justice Zerne P. Haning (Ret.) is a former Associate Justice of the California Court of Appeal, First District, Division Five. He was appointed to the appellate court in 1981 after serving on the Superior Court of San Mateo County. Before taking the bench, Justice Haning practiced law with a litigation firm, handling both plaintiff and defense personal injury cases. He is presently an arbitrator, mediator and private judge in San Francisco. Justice Haning has written and lectured extensively on personal injury topics and is also director of injury programs.



Professor of Law at the Ventura/Santa Barbara College of Law.

William F. Flahavan has specialized in personal injury litigation since 1972. He was Managing Partner in the defense firm of Jones & Wilson and Senior Partner of Flahavan, Hudson & Francis prior to the 1994 formation of The Law Offices of William F. Flahavan.

Mr. Flahavan continues to specialize in personal injury, professional liability and insurance coverage disputes. He has written and lectured extensively for The Rutter Group, various continuing education programs and as a



Lawyers and the American College of Trial Lawyers. Ms. Cheng serves as the Program Director for the National Institute for Trial Advocacy's Teacher Training Program and has directed international programs in association with the U.S. Department of Justice as well as the National Center for State Courts. She appears regularly on The Rutter Group's annual Personal Injury Update program panel.

Doris Cheng is a partner in the San Francisco firm of Walkup Melodia Kelly & Schoenberger. She represents plaintiffs in personal injury actions, handling a wide range of cases that include product liability, vehicular negligence, medical negligence, public and private premises liability, and civil rights violations. She is a past president of the San Francisco Chapter of the American Board of Trial Advocates, Bar Association of San Francisco, and San Francisco Trial Lawyer Association. She is a member of the International Academy of Trial



Kenneth E. Wright received his law degree from Southwestern University School of Law in 1988 and his bachelor's degree in zoology from the University of California, Davis, in 1984. He has practiced law primarily as an insurance defense attorney, handling a wide variety of personal injury cases (including product liability, battery, vehicle accidents, toxic torts, premises liability, cemetery/mortuary, uninsured/underinsured motorist, disability discrimination, defamation, and wrongful death), as well as real estate and business

litigation. He is currently representing plaintiffs as a trial attorney in personal injury matters. He has also contributed to The Rutter Group's *California Practice Guide: Civil Procedure Before Trial FORMS*.

Mr. Wright has volunteered to help settle cases through Los Angeles Superior Court settlement programs. He has extensive arbitration and trial experience in Los Angeles, Orange, San Bernardino, Ventura, Santa Barbara, Kern and Fresno Counties. He is a member of the American Board of Trial Advocates (ABOTA).

PREFACE

This Practice Guide is designed for and dedicated to personal injury litigators of the California Bar and those attorneys who wish to take on the challenge of personal injury litigation.

The pressures imposed by frequent changes in the law and rules of court, novel legal theories and creative litigation have combined to make this field one of the most complex areas of practice.

This Practice Guide is intended to offer some relief for personal injury practitioners.

- Our focus is on competent and efficient personal injury practice in California.
- Our approach is to provide factual analyses of each critical stage, based on concise statements of the applicable law and developing trends.
- Our aim is that this be a *practical* resource. The numerous “Practice Pointers” on how best to approach common problems in the field are our means to that end.

Obviously, no book can purport to be the definitive authority on any given issue at a specific time. Nor can any single work substitute for independent research and analysis in a particular case. But we think you will find herein the information needed to handle problems commonly encountered in personal injury litigation from commencement of the attorney-client relationship through the termination of trial . . . and invaluable pointers that will enable you to practice more confidently and successfully in the field.

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