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**MODERN TRIALS. By Melvin M. Belli. Indianapolis: Bobbs-Merrill Co., 3 volumes, 1954.**

Perry Nichols

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# BOOK REVIEWS

MODERN TRIALS. By Melvin M. Belli. Indianapolis: Bobbs-Merrill Co., 3 volumes, 1954. Pp. 2763, \$50.00.

A criticism frequently leveled at law schools by their graduates is that they offer no period of interneship—that graduates are plunged into the highly competitive area of legal practice, well schooled in the theory of the law but innocent of all knowledge of that vast collection of minutiae which constitutes actual practice. Many jurists feel strongly that lawyers, no less than doctors, could profitably spend a year prior to graduation in situations approximating actual practice, where they would learn, as they could never learn in a classroom, the practical means by which legal equities are preserved and justice served, on an ordinary, non-theoretical day-to-day basis.

Lacking that year of interneship, any attorney—and particularly those specializing in some aspect of trial or the personal injury field—will find Melvin Belli's three-volume work, MODERN TRIALS, an amazingly adequate substitute. No legal theories are set forth in this extraordinary lawbook save those that emerge under their own power, as it were, from the actualities of practice as therein forcefully and dramatically, and at the same time informally, presented.

Practitioners on both sides of the personal injury fence would probably agree unanimously that Melvin Belli himself is one of the most, if not indeed *the* most, skilled and widely experienced plaintiff's advocate in the entire country. But in MODERN TRIALS Belli has not been content to rely solely on his own skills and experiences. As president of the National Association of Claimants' Compensation Attorneys, he travelled to almost every state of the Union, lecturing to bar associations, legal gatherings, and law students. Though he appeared in the role of teacher, he always made it quite plain that the teacher was eager to learn. Wherever he went, he drank in all that his fellow attorneys could give him of their knowledge, experience and skills. This vast fund of information, absorbed and digested by Belli's busy brain, is now set forth in MODERN TRIALS (complete with five pages of acknowledgments as to sources) for the guidance and greater success of all lawyers, seasoned practitioners as well as novices, who ever go to court in any case requiring the presentation of evidence.

Opening statements, voir dire, examination and cross-examination, closing arguments, expert testimony, necessary research, preparation of the case—all these topics are treated freshly, clearly and inspiringly. In this book the Belli approach might be said to be threefold: to offer suggestions as to effective trial techniques in particular kinds of cases; to stimulate

the lawyer to develop and use special techniques of his own devising, tailored to fit specific cases; and to help him implement the ideas he already has regarding the handling of a particular case. As one reviewer<sup>1</sup> put it, "Really what this book amounts to is the biggest 'bull session' on trial practice and techniques that has ever been recorded."

It is not just that MODERN TRIALS is a reference work to be consulted for the answer to a particular problem arising in a specific case. It is that, too, but it is more than that. It is a fascinating work, to be read straight through its 2,763 pages for the vast fund of information it contains on problems, the existence of which may never even have occurred to less experienced attorneys. It is, for instance, rich in medical lore—a field in which Belli is a recognized expert and a formidable opponent. It indicates to the lawyer interested in a given personal injury case the type of useful evidence that can be gleaned from hospital records—and spells out a procedure for obtaining such evidence. It includes a medical glossary that may well save the attorney some embarrassing moments in the examination of medical witnesses. These are simply highlights, chosen at random, to give some slight indication of the scope of this excellent work.

Perhaps one of the book's greatest contributions is Belli's constant emphasis, by precept and example, on the necessity for careful, thorough preparation of a case. "Investigate everything!" says Belli, in effect, and proceeds to cite instance after instance in which painstaking investigation has paid off—investigation of the client; the law; the circumstances of the injury down to the last detail; the possible avenues of presentation; the probable psychological effects of each such avenue; and, last but not least, every possible factor that can be taken into consideration in arriving at the determination of an adequate award.

With respect to that last item, MODERN TRIALS devotes some 290 pages to an analysis of all recent personal injury cases involving judgments or settlements of \$50,000 or over. Facts, jurisdiction, dates, and awards are indicated for each case analyzed, thus affording the puzzled lawyer an excellent guide for reaching sound evaluations in his own cases. The value of this kind of practical assistance, in readily accessible form, can hardly be over-estimated—a statement that can be attested to by any lawyer who has ever had the responsibility for deciding how much to ask for in damages to compensate his client for a loss that is, after all, irreparable. What is the worth of an eye? a leg? a reproductive organ? How can such a loss be gauged in terms of money? From the philosophical point of view, of course, it cannot be. The monetary worth of any God-given member must remain forever unknown. But Belli's up-to-date report on current legal

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1. Hugh Miracle, of the Washington Bar, in 30 WASH. L. R. 78, February, 1955.

practice in the field at least serves to bring us from the unknown to the nearest related known.

MODERN TRIALS highlights the fact that Melvin M. Belli, nationally and internationally famed member of the San Francisco and California bars (and probably the most spectacular courtroom practitioner since the days of Rogers, and Darrow, and Fallon) is, first and foremost, a *teacher*. What is even more important, it makes quite clear the fact that any trial lawyer worth his salt must likewise be, first and foremost, a teacher. In a courtroom, confronting a blackboard with chalk in hand, thick-rimmed spectacles adding further distinction to his still boyish features, Mel Belli could be an economics or a history professor, about to emphasize for the benefit of his college class some obscure aspect of Graeco-Roman influence on our civilization. But what he is writing is something highly contemporary and is expressed in contemporary terms. It reads something like this:

\$206,600 Prayer — Age 38 — 30 yrs. exp.  
\$300 a mo. now — Traumatic Psychosis

and goes on to itemize the claimed damages (medical bills, lost salary, loss of earning potential, etc.) and to list such pertinent data as important dates, names of witnesses, and so on. It is certainly economics, but the students Master Belli is striving to enlighten are not college seniors, but the twelve veniremen on whose informed judgment hangs the financial fate of Belli's client. Like any other competent pedagogue, Belli leans heavily on visual aids to facilitate the learning process.

In the courtroom, the pedagogical term "visual aids" is replaced by the legal term "demonstrative evidence," but the purpose remains the same. Nor are the visual aids in courtroom use limited to blackboard reminders of salient points, to charts, to tables, or to photographs of the scene of an accident. They may include, as did one Belli case reported on in MODERN TRIALS, presentation before the jury, in the judge's chambers, of the undraped form of the plaintiff, in order to demonstrate, as no verbal description could ever have demonstrated, the havoc wrought upon her breasts by the clumsy handiwork of an inept plastic surgeon. They may include handling by the jury of various parts of a skeleton—a skeleton, by the way, that is Belli's frequent companion at personal injury trials. Visual aids, in short, as used in court, may include anything the enterprising lawyer can think of that can be introduced in evidence and utilized to make clear to the jury a point that might otherwise remain obscure—and, in its obscurity, prejudice the course of justice.

So inclusive in its coverage is MODERN TRIALS that it would be impossible to mention all its aspects in a review of this type. I want to mention one thing, however, that in and of itself should endear this work to lawyers everywhere. That is Belli's frank, informal, unaffected treatment of the delicate subject of fees and how to figure them. Here it all is,

a simple, forthright, and efficient bookkeeping system, complete with forms and figures, easily adaptable to the routine in any law office—a headache-saver if I ever encountered one!

Let no one suppose, however, that his concern with the spectacular and/or the practical has led Mr. Belli to neglect the purely scholarly or documentary side of law work. MODERN TRIALS, for all its easy informality, its inviting style, is nevertheless a thoroughly documented legal reference work which has already begun to be cited by the courts<sup>2</sup> and which must, almost inevitably, come to be recognized as the Blackstone of personal injury litigation.

Nor is its interest limited to those personal injury lawyers who, like Belli himself, specialize in presenting the plaintiff's side of the case. Defendants' attorneys, too, will want to own it and consult it frequently. It will, of course, help them in the preparation of their cases by apprising them of the sort of opposition they may expect to encounter. More important, MODERN TRIALS makes it clear that demonstrative evidence may be used with as telling effect on one side as on the other. Indeed, as Mr. Belli points out, the more it is used, the better informed the jurors become. And the better informed the jurors are, the more capable are they of dispensing objective justice—a truism, of course, but one that, like many self-evident facts, is frequently overlooked. Thus, defendants' no less than plaintiffs' attorneys will find MODERN TRIALS a stimulant for new and ingenious methods of presentation of evidence.

Still another category of jurists who should find Belli's book invaluable are professors of law. Indeed one member of that august company, the distinguished Dean Emeritus of Harvard Law School, Roscoe Pound, goes so far, in his introduction to the work, as to label it "indispensable." His fellow educators may well find it so. Their students will undoubtedly read all three volumes without any urging of such absorbing interest are the subject matter and the presentation. Further, the factual material set forth in MODERN TRIALS is more than sufficient to supply moot courtroom drama throughout an entire academic year. Finally, swept along by Belli's own surging enthusiasm for the legal profession, even the most apathetic student may well find himself infected with eagerness and awe—awe for the majesty that is the law, eagerness for the day when, he, too, can take a hand in championing legal rights and serving the cause of objective justice.

This matter of objectivity keynotes every chapter of MODERN TRIALS. The cases described or analyzed are by no means confined to those that have been won by Belli or his cooperating fellow members of NACCA. Whether a case was won or lost apparently has nothing to do with its inclusion in the Belli books. If, win or lose, there was something

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2. In *Sawaya v. Tucson High School Dist.*, 281 P.2d 105 (Ariz. 1955).

about the case that would further the lawyers' know-how in the field of demonstrative evidence, in it went.

Demonstrative evidence in civil cases has come to be pretty generally regarded in American legal circles, of course, as Mr. Belli's baby. Not that he conceived it or brought it to birth. Indeed, in the opening pages of *MODERN TRIALS*, Belli hints that paternity of the use of demonstrative evidence may be traced to Solomon, and he credits Columbus, Roger Bacon and Daniel Webster with contributions to the support of the child. Belli is perhaps the most influential of today's group of foster parents, and he regards that foster parenthood as his principal mission in legal life. Not that nurturing and developing Demonstrative Evidence to its peak of professional maturity is an end in itself, of course. Rather, it is a means by which, in Mr. Belli's well-reasoned view, law standards generally will be forced to a higher level of objectivity and abstract justice. Knowledge is power, and Mr. Belli is in favor of imparting that kind of power to jurors—thus empowering them to make sound decisions. Demonstrative evidence is Mr. Belli's chosen instrument for imparting knowledge. And the legion of lawyers who are already reading and using *MODERN TRIALS* can find no reason to do other than applaud his choice.

By and large, *MODERN TRIALS* is a great work. It is certainly a "must" for the library of every trial lawyer. It is also (and here I am simply and humbly concurring in the words of Roscoe Pound) "a contribution to the administration of justice."

PERRY NICHOLS

PRESIDENT, DADE COUNTY BAR ASSOCIATION