

Reviews

Shahnasarian, M. (2012). *A Claimants' Guide to Understanding and Presenting Injury Damages: A Damage Expert's Perspective*. Chicago, IL: American Bar Association

A Claimant's Guide to Understanding and Presenting Injury Damages: A Damage Expert's Perspective was published in October 2012 by Michael Shahnasarian, Ph.D. This book is not an edited edition. It is currently available via Paperback. The Reviewer attained the book via a complimentary copy.

Aesthetically, the book has a paperback cover. The book is aesthetically appealing to a general audience. The cover is blue and depicts a picture of an x-ray of a bone on the front and back cover, presumably related to the injury/damages theme of the book. There is a table of contents, preface, bibliography, acknowledgments, glossary of terms, appendix (A, B, C) and an in-

dex. The book is well manufactured and the pages are sturdy and are appropriate for studying and general wear and tear.

Related to organization, the book has 8 chapters and 89 pages (including table of contents, preface, bibliography, acknowledgments, glossary of terms, appendix (A, B, C) and an index). The book's Appendix A features a sample demand letter such as an attorney would compose after a preliminary evaluation of a claimant's case. The demand letter includes the nature of the claimed damages, supporting evidence of damages, and monetary and/or nonmonetary demands. Appendix B features a sample of a preliminary life care plan report including those contributing to the report as well as estimated expenses for future medical expenses, therapy, aids for independent living, etc. Appendix C features of a sample of a jury verdict form of which would be used during a trial.

Dr. Shahnasarian's text was written as an attempt to guide a claimant or potential claimant through the claims recovery process. The author utilizes his 30 years of experience evaluating damage claims in providing the information and guidance in the text. The text aims to guide people who (a) legitimately acquired disabling problems through no or little fault of their own, (b) seek fair compensation for acquired disabling problems, and (c) are pursuing litigation with concomitant damage claims. The book is intended as a tool to guide the claimant through the process their claims will undergo and to enable the claimant to present their damages as effectively as possible. Dr. Shahnasarian uses language that is clear-cut so as to allow the individual with no prior knowledge of the judicial system or the claims recovery system to gain an understanding of process they will go through when seeking damage claims.

As a rehabilitation counselor myself, who has little work experience in the field of forensics, I found Dr. Shahnasarian's text to be very educational. Before reading the text I would describe myself as understanding the big picture of the claims recovery process and reading the text filled in some of those details about the process I was missing. Not only does Dr. Shahnasarian discuss the role of the rehabilitation counselor but he describes the roles of the other key players in the claims recovery process including; claimants/plaintiffs, defendants, tortfeasors, adjusters, lawyers, judges, expert witnesses, private investigators, and triers of fact.

Dr. Shahnasarian does two things in the text that I feel are important. He continually appeals and advises to claimants and prospective claimants. He shares common sentiments that he hears from the thousands of claimants that he has worked with over the years in evaluating damage claims. He begins by stating that most people that he has worked with indicated that they never intended to file a damage claim

and would not have done so if their claims were dealt with fairly and if they were offered a fair settlement from the beginning. Dr. Shahnasarian discusses the issues people have with incorporating the terms "claimant" and "litigant" into their self-identities as well as with transitioning from an "independent functional lifestyle" to an "injured claimant" role. Some of the common problems that a damage claimant goes through are shared such as financial problems due to loss of employment, mounting medical expenses, and disability related psychological issues.

Advice is offered throughout the text to assist the individual in navigating through the claims recovery process. The author states that the text is not intended to teach the reader/claimant "how to beat the system" but rather how to honestly present your damages and assist your lawyer in getting you a fair settlement. The author prepares the reader for what may be a very lengthy adversarial process that they may understand little about. Dr. Shahnasarian warns the reader about the adversarial tactics that tortfeasors and defense lawyers may use to "frustrate, harass, and starve out claimants." The author warns that intense scrutiny including surveillance, reviews of personal records (financial, educational, employment, etc.), and attacks on credibility are common tactics used by the defense. Dr. Shahnasarian advises claimants to be patient and to defer computation of damages to experts hired by their lawyer as it is important that their claim is fully assessed in order for experts to determine an appropriate settlement. The reader is informed that once a claim settles or a jury renders a verdict a claim cannot be amended so the author stresses the importance of having experts assess current damages and determine (based on methodology) future damages.

Dr. Shahnasarian stresses the importance for claimants to be honest, consistent, and to have humility when presenting their damage claim. He also advises that claimants be as accurate as possible when reporting information and never to tell "half-truths." He goes on to caution that it is best to state that you are unsure of the details and what you are reporting is to the best of your recollection. Giving inaccurate information regarding past employment, criminal records, etc is great ammunition for the defense to paint the claimant in an unfavorable light, thus influencing the triers of facts' opinions of them. As mentioned throughout the text, the perception of the claimant's character is crucial to the litigation process. Dr. Shahnasarian advises the claimant to mind his presentation including the way he address the lawyer, non-verbal behavior, profiles on social networking sites, etc. The author cautions several times against making references to financial incentives in the litigation process as the triers of fact will likely view the claimant having motives of secondary gain as their main incentive. Dr. Shahnasarian's finishes the text

by advising those filing damage claims to pick an ethical lawyer who is familiar with the types of injuries the claimant has sustained. He also stresses the importance of the claimant remaining calm, keeping this dignity when faced with opposition by the defense, following doctors orders, cooperating with rehabilitation efforts, and moving on with their lives. Live your life as if there is no ongoing damages claim.

The second thing that Dr. Shahnasarian does in the text that I found important and useful is his explanation of the justice system and the actual claims litigation process. What I found to be one of the most compelling sentences in the text was when Dr. Shahnasarian recounted a lawyer telling him "The truth doesn't matter." "What matters is what the jury believes." Those who are unfamiliar with forensics and the U.S. Judicial system are likely unaware of how true this statement really is. The author informs the reader that the U.S. Judicial system is configured primarily to support advocacy rather than to find the truth.

Dr. Shahnasarian discusses the types of damages that may be included in a damage claim including future medical costs (life care plan), loss of earnings and loss of earning capacity (vocational experts), pain and suffering, and consortium claims. As a reader already familiar with how to determine future medical costs, loss of earnings and loss of earning capacity, I found the strategies for calculating pain and suffering and consortium claims informative.

The three phases of the claims recovery process are discussed including: presuit, trial, and appeal. The demand letter composed by an attorney during the presuit period is discussed and a sample is offered in the appendix. I found the sample demand letter helpful as it offered those who were not familiar with the document a chance to see one in print and to become familiar with its contents. The steps of the litigation phase are discussed including; discovery (and what is gathered during this time), pretrial, and trial. The author goes through the process to trial from jury selection to appeals as well as defining the roles of the key players in the litigation process including but not limited to lawyers, expert witnesses, and triers of fact. Dr. Shahnasarian also discusses plaintiff and defense perspectives and strategies during the litigation process.

Again, as a rehabilitation counselor who does not have much work experience in the field of forensics, but rather in public rehabilitation, I found the information in the text organized in an easy to read format and very informative. The text is written in a language that the claimant is able to follow and provides an index for terms with which the claimant may be familiar. There are samples in the index of several important documents that play a part in the claims recovery process including a demand letter, life care

plan, and jury verdict form which all aid in informing the reader of the contents therein of each type of document. The text is recommended for claimants or those considering filing a damages claim, or other individuals interested in the claims recovery process and how it works in the U.S. judiciary system.

Review by Kathleen Ceaser

