

## Legal Thriller Tells Tale of Justice System Gone Awry

By John A. McGuinn

I recently read a novel that finally paints an authentic picture of the life of a civil trial lawyer. “Acts of Omission” grabbed on and held me from start to finish. It is a story that realistically depicts the difficult choices, high risk, ethical dilemmas, anguish and euphoria of everyday life for attorneys who represent victims of negligence. It was a welcome change from most of the legal fiction I read because it deals with a civil case and such novels are few and far between – most legal fiction deals with criminal cases.

“Acts of Omission,” written by ABOTA member James S. Bostwick, was published this summer by Post Hill Press and is distributed by Simon and Schuster.

It is a well-written tale and its seamless inclusion of key elements of civil practice such as motivation, conflicts, economic pressures, discovery and trial tactics is also an enjoyable legal primer. I think this novel will provide significant educational benefit for lay people, anyone interested in the law, aspiring law students and all young lawyers.

The story is based in 1984 San Francisco. Matt Taylor, a young attorney who has just lost an important case, is in financial trouble from his divorce and a struggling law practice. He is offered an opportunity to represent a seriously-injured young man. However, the case will be expensive, extremely difficult and requires him to sue one of the most famous trial lawyers in the country for multiple negligent acts of omission. The potential defendant is a darling of the national media and a hero of the San Francisco bar.

Against all advice, and with the help of Adrienne, a brilliant

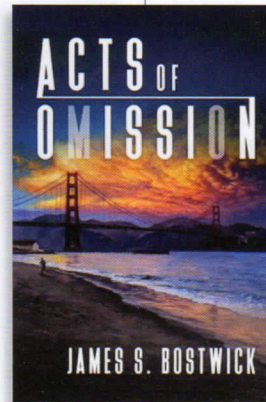
young lawyer, Matt decides to take on the case. Soon he finds himself in over his head. He is facing a dangerous and unscrupulous adversary willing to try anything to defend himself, including using any means to eliminate the source of this challenge to his position as master of the legal universe.

The more he learns about the remarkable family he represents and the poor medical and legal care his client received, the more determined he becomes to obtain justice for his vulnerable client. At the same time, he is forced to defend a devastating lawsuit created and brought by his implacable foe. As he realizes that he and those he loves

are in danger, Matt finds it harder and harder to maintain his objectivity. Is he pursuing the case because it has merit, or is he jousting with this deadly windmill for deeply personal reasons? As if these problems aren't enough, his close business and personal relationships begin to disintegrate.

As his lawsuit unravels around him, he is forced to an early trial and is running out of money. Assigned to a judge who is an old friend of the defendant, Matt fights adverse rulings and a brilliant defense team. Ultimately, as his case continues to falter, he is forced to take desperate gambles in a last-ditch effort to prove his case to a jury that appears increasingly distant.

This book was inspired by real events. It is loosely based on a San Francisco lawsuit that resulted in a nine-week jury trial back in the 1980s. Of course, the story is a highly fictionalized version of this medical case within a legal malpractice case, and I had fun recognizing some well-known legal icons of the era. If you have some time, I highly recommend it. ■



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