

## FEDERAL COURTS LAW REVIEW -- 2003 Fed. Cts. L. Rev. 3 BOOK REVIEW A WORKING MANUAL FOR EMPLOYMENT LAWYERS

A review of *Employment Evidence* by Eugene K. Hollander (James Publishing, Inc. 2003) Hon. John M. Facciola(1) [1] Now that there are more lawyers than one can shake a stick at (if that is your idea of a good time), law publishers never tire of trying to sell each of them some more law books. The books for sale fall into broad categories. There are the famous multi-volume sets that are treated with almost biblical reverence and are referred to by one word: "Wigmore" and "Corbin" just like "Genesis" and "Exodus." Keeping up with pocket parts for these giants can become a full time job. Their comprehensiveness is their selling point. A second group deals with a particular topic and collects the case law pertaining to it. You get a book not about contracts but insurance contracts. Another group is a book in name only. It is the collection of the papers by the participants in a seminar that is distributed to those who attend the conference. These can often be even more specialized; the paper in the handout may be about subrogation insurance contracts in the construction industry. These sharpen the mind by narrowing it so that the practitioner who came to the conference to learn about that topic gets everything she needs and gladly pays her money to the seminar organizers. [2] Looming over this marketplace is electronic publishing, a resource so vast that using it efficiently is itself an art. There is the story of the old timer, new to computerized research, who put the word "negligence" into Westlaw or Lexis and retired before the search finished. Arriving in law firms' and judges' chambers is a new generation to whom using the computer to search for information is so natural that one wonders if telling them to look something up in a book may soon draw the same kind of disbelieving stares one gets when one tells a whining kid that he sounds like a broken record. [3] Into all of this comes another book, *Employment Evidence* by Eugene K. Hollander, published by the James Publishing Inc. Hollander, a graduate of the University of Illinois and the IIT-Chicago Kent College of Law, is said by the publishers to concentrate his practice in employment litigation and to have an active trial practice. Hollander's book certainly leans toward the intensely practical side of the ledger. Just like the specialized handout at the seminar, it focuses narrowly on the principles that pertain to litigation in federal courts brought by persons claiming some form of discrimination in employment. [4] Hollander gets right to work. There is no flowery introduction or broad overview. In the first chapter, he begins with summary judgment principles, warning readers that a defendant will file such a motion in every case. He then runs quickly through the controlling standards and provides checklists of do's and don'ts. On his way, he discusses the pertinent case law pertaining to such motions and provides the reader with a form that can be used to make such a motion. [5] Using this style he covers every topic that one could expect to arise in employment discrimination litigation. There is a concise overview of the case law, followed by checklists of practical and tactical considerations, and a suggested form to be used to file a particular pleading. [6] If, as I suspect, Mr. Hollander is a skilled and successful litigator, it may have something to do with his excellent ability to organize information. The sections of the book each cover a single topic and the book is subdivided by topic so minutely that it is impossible not to find what you are looking for. Finally, the book is accompanied by a CD-ROM so that one can download the motions the book provides and adapt them for filing. [7] Are there any limitations to this intensely practical approach? Certainly. This is not a place to look for an exhaustive treatment of the case law. In each section, Mr. Hollander may cite a single case from one circuit or he may generally describe the case law in each circuit, depending on the topic. The lawyer is going to have to do independent research in the law of her circuit to find how where it fits in the general categories Mr. Hollander sets out. Can you download one of the forms provided and then sign and file it? Not unless you enjoy being a defendant in a malpractice action. Obviously, local

rules have demanding requirements and they cannot be ignored. By its nature, a pleading has to be unique and directed to the actual case to meet the court's expectations. [8] With that said, Mr. Hollander has provided us with an intensely practical and useful beginning guide to the demands of employment litigation. I can see a judge or lawyer keeping it on her desk and adding to this loose leaf book cases from her own circuit. It is a welcome alternative to those endless tomes that feature on every page a single line of text and a maze of footnotes that were a lot easier to read when we are all a lot younger.

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