

A Treatise for Trial Lawyers

Reviewed by Abraham C. Reich and Nathan M. Buchter

Five years ago, we had the opportunity to review a remarkable Fourth Edition of the treatise: *Business and Commercial Litigation in Federal Court*. The Fifth Edition of that treatise has now been released, which we have reviewed. The breath and scope of its content has greatly expanded, further upgrading an already invaluable resource for trial lawyers.

The Fifth Edition is, in effect, a new treatise. Business and commercial litigation has significantly evolved over the past five years. As a result, the Fifth Edition adds 26 new chapters and two additional volumes (now 16 in total) addressing an array of new subjects, such as artificial intelligence, climate change, political law, shareholder activism, space law, third-party litigation funding, valuation of a business, and virtual currencies. The chapters carried forward from the Fourth Edition have also been extensively revised due to the many changes in the law over the past five years.

The 373 principal authors of the Fifth Edition include 32 distinguished judges and many of the best-known litigators in the United States, including the likes of David Boies and Theodore V. Wells. Keeping with the Philadelphia legal community's



rich tradition of furthering scholarships, the Fifth Edition includes contributions from distinguished federal judges – Hon. Jane R. Roth, U.S. Court of Appeals for the Third Circuit (Coordination of Litigation in State and Federal Courts) and Hon. Paul S. Diamond, U.S. District Court for the Eastern District of Pennsylvania (Director and Officer Liability). The Fifth Edition also includes works from local, experienced, and highly regarded practitioners: J. Gordon Cooney, Jr. and Gregory T. Fouts (Class Actions), Mathieu J. Shapiro (Director and Officer Liability), and, Patrick J. O'Connor and Michael B. de Leeuw (Collections).

When we wrote the last review of this treatise five years ago, third-party litigation funding was relatively new and had an uncertain ethical foundation. Today, it is quite common. If you have not yet considered or

encountered third-party litigation funding, be prepared as you may soon.

The Fifth Edition's new chapter on this topic "Third-Party Litigation Funding" by Steven K. Davidson and Michael J. Baratz (Steptoe & Johnson LLP) is an excellent resource and starting point for that preparation. It begins with some preliminary considerations and then analyzes the subject's major issues, such as the funding agreement, ethical considerations, and legal challenges. Like most chapters in the treatise, it ends with practice aids.

Robert L. Haig, editor-in-chief, has again done an exceptional job with this treatise. As he states in the forward, the publication is "unique" in several respects – principally because "no other book . . . combines in depth treatment of federal civil procedure with substantive law in the areas most commonly encountered by commercial litigation."

In closing, the Fifth Edition is a valuable tool for any trial lawyer – offering a simple, yet comprehensive and current, introduction to those areas of procedural and substantive law that commercial litigators are likely to encounter in their practices. While the cost of a full set is a bit steep at \$2,088, the Fifth Edition is worth every penny in our view. All royalties from its sales go to the ABA Section of Litigation. The Fifth Edition is also available through Westlaw. Do not miss the opportunity to get this valuable resource.

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He has been in the rehabilitation field for 40 years. He holds a **Diplomate** from the **American Board of Vocational Experts** (since 1991) and has been a **Certified Earnings Analyst** from the **American Rehabilitation Economics Association** (since 1997). He has been performing forensic vocational evaluations for over twenty years in PA, NJ, NY, DE, MD, and federal court jurisdictions. He has testified in over 50 cases entailing person } injury, workers compensation, family law, and social security as, well as many more written evaluations in these matters.

Cases that Dr. Rosenberg has been involved in have often led to favorable outcomes for the entity that has retained him. He has also performed evaluations or testified for governmental entities such as the Social Security Administration, the U.S. Department of Labor, and the Pennsylvania Office of Vocational Rehabilitation.

Dr. Rosenberg completed his undergraduate education in **Sociology, magna cum laude**, at **Boston University**. He went on to earn his **M.Ed. in Rehabilitation Counseling** also from **Boston University**. Finally, he completed his **PhD in Counseling Psychology** from **New York University**.

He has several convenient office locations throughout the Delaware Valley, and other arrangements can be made to accommodate the needs of his clients.

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