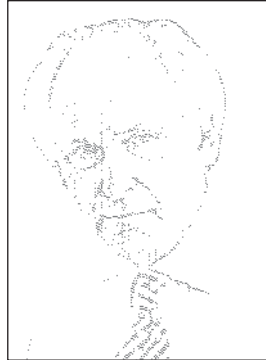




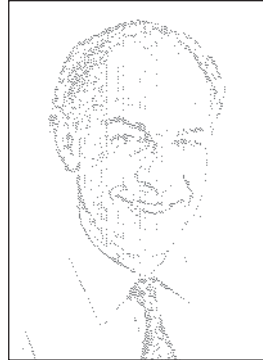
The BAUM & BLAKE REPORT

Protecting the rights of individuals and families in cases of personal injury, wrongful death and consumer fraud.

DAVID B. BAUM is one of California's most experienced trial attorneys, having tried over 200 cases to a verdict. A former president of the California Trial Lawyers Association, he is listed in Best Lawyers in America, is an elected member of the American College of Trial Lawyers, The International Academy of Trial Lawyers and The American Board of Trial Advocates. He is also the author of a national textbook for trial lawyers, "Preparation of the Case".



DAVID B. BAUM



MARTIN BLAKE

MARTIN BLAKE trained as a barrister in Ireland and is a former President of the San Francisco Trial Lawyers' Association. He is a former Chair of the American Trial Lawyers Association Sections on Vehicle, Highway and Premises Liability and International Practice. A member of The International Academy of Trial Lawyers and American Board of Trial Advocates, he is an adjunct professor at Hastings College of the Law, teaching trial skills.

WE HAVE MOVED!

Baum & Blake are pleased to announce that we have moved into our new office space at:
One Sansome Street, 35th Floor, San Francisco, CA 94104
Telephone and facsimile numbers remain the same. T: 415-956-5544 / F: 415-956-5547
Emails: dbb@baumblake.com, mblake@baumblake.com

Current Interesting Cases Include:

Defective design of a mountain bike causes its wheel to come off — 40-year old rider now a paraplegic.



Case in Las Vegas for survivors of Grand Canyon helicopter crash — against the manufacturer and tour company.



Child suffers brain damage when his metabolic disorder was not tested and no diagnosis made for several months.



College student falls to his death at the beach during a college-sponsored visit.



A Successful Verdict in a Dangerous Road Case

Baum & Blake represented the parents of a 19-year old student killed in a collision with a cement mixer truck on a rural road in Sonoma County, California. The truck had drifted off onto the shoulder, then went out of control, crossed the double line, and struck and crushed the decedent's car. There was no reference in the highway patrol report to the roadway as a factor, and the state repaired the area immediately after the accident. A subsequent investigation uncovered photographs showing a vertical difference of 12 to 18 inches in the area of loss of control, so claiming the death was caused by both negligent operation of the truck and a dangerous condition due to this drop-off, Baum & Blake sued both the trucking company and the State of California. Both defendants refused to offer adequate amounts, with the state placing exclusive blame on loss of control by the truck driver.

Continued on back page



Martin Blake Inducted into American College of Trial Lawyers

In April 2005, Martin Blake was inducted into the American College of Trial Lawyers at its spring membership meeting in La Quinta, California. Membership in the college is limited to the top 1% of advocates in any state. Both partners at Baum and Blake are now members of the American College as well as the International Academy of Trial Lawyers. ■

*Best wishes for a
fun and safe
Summer 2005!*



Speaking Engagements

Baum & Blake have long been committed to donating time and effort to continuing legal education, particularly for younger or less experienced lawyer.

In January, David Baum spoke at a national seminar in Palm Springs on medical malpractice. In February, he was a featured lecturer for the Southern Trial Lawyers Association in New Orleans on persuasive trial techniques. In July, he is invited to the annual convention of ATLA in Toronto where he will speak on handling jury bias in trial.

In February, Martin Blake lectured on jury selection for the San Francisco Trial Lawyers and in April, he participated in a debate on medical negligence litigation at Stanford University. In June, he will be providing advocacy training for attorneys at the California Regional Trial Lawyers' Conference in Santa Barbara. ■

Road Case, continued from front page

The case proceeded to trial in Sonoma County using testimony of experts in highway safety and accident reconstruction, as well as computer simulation of the events. While cases against public entities for the condition of rural roads are generally difficult for the plaintiff, and verdicts are often for modest damages, David Baum obtained a verdict of \$2,012,000 (\$2,000,000 non-economic damages; \$12,000 for burial expenses), a substantial amount under these facts. The jury found the State of California to be 80% at fault, and the trucking company 20% at fault. There was no appeal and the judgment was paid. ■

Overcoming Personal Attacks in a Death Case

An interesting wrongful death case handled by Martin Blake illustrates the complex interplay between legal issues and moral values in today's litigation.

The client was the mother of an eleven-year-old boy who was killed in Oakland, California when he climbed into a construction yard next to a public park at night, and was crushed when stored scaffolding collapsed. Baum and Blake discovered that the construction company knew that children often scaled their fence to play on equipment in its yard and that a security expert had recommended replacing the company's fence shortly before the death. That evidence forced the company to settle the case against them for \$875,000.

On the other hand, the co-defendant City of Oakland contended they were only an adjacent landowner with no control over the construction yard, and were entitled to rely on the construction company to fence and secure its property. In addition, the City attacked the boy's mother who, it argued, was responsible for her son's death by habitually allowing him to stay out late at night. Although she was a single parent of three children and worked nights, several city witnesses planned to give negative testimony about her child care and neglect of her children. Based on these attacks, the City strongly resisted efforts at settlement at pre-trial mediation.

Jury consultants advised that this adverse testimony raised a risk that moral values could confuse the jury or deflate a potential award of damages. However, plaintiff's pre-trial motions raised a strong prospect of eliminating this adverse testimony on the basis of their limited probative value and inflammatory nature and persuaded the City that it was likely to lose these motions. The City therefore settled the case for a confidential amount, assuring adequate compensation to the boy's mother. ■



Fence with mission vertical posts and wire mesh after temporary repairs completed.