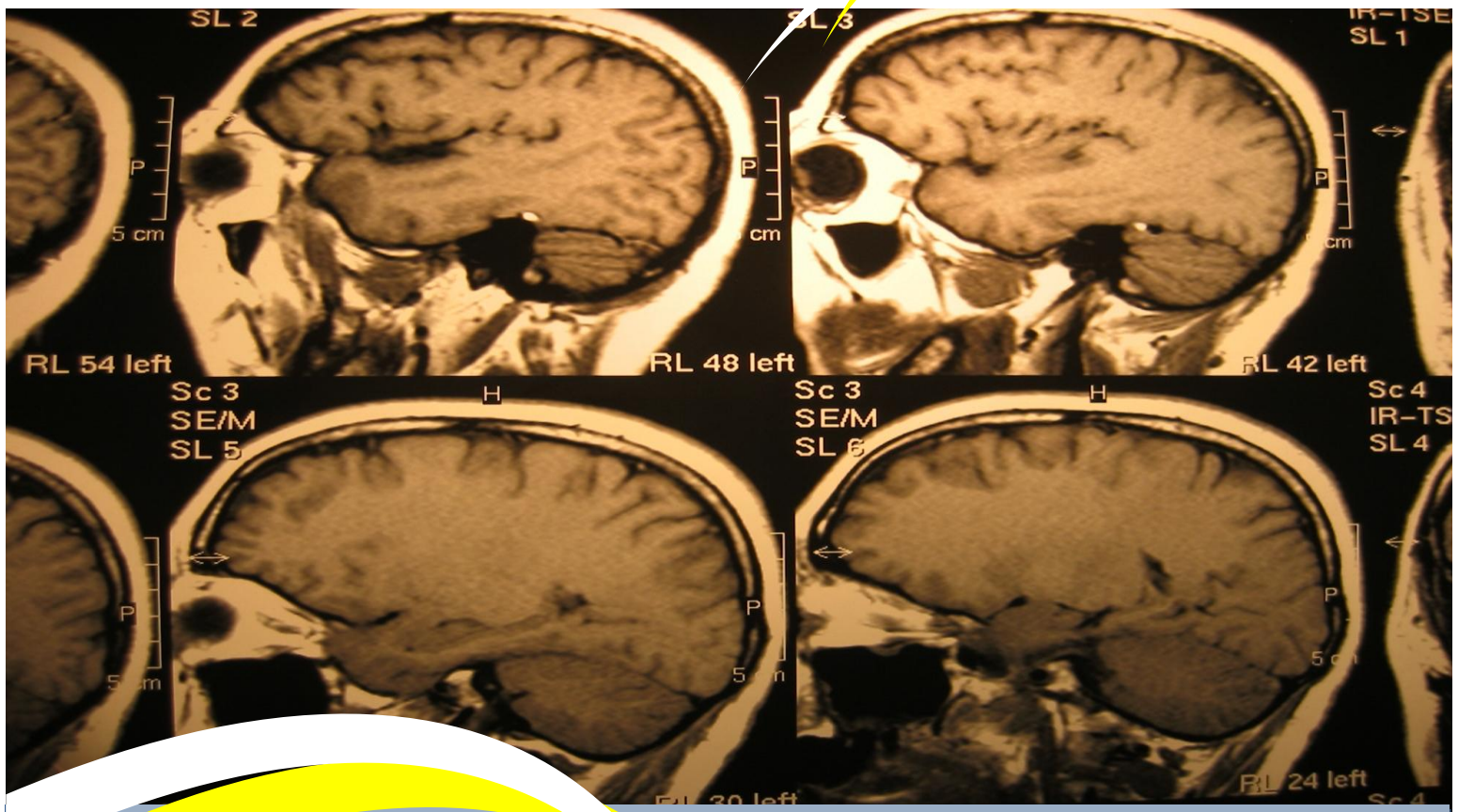


Traumatic Brain Injury Lawsuit Legal Guide



Simple Step-By-Step Guide to Your Brain & Traumatic Brain Injury (TBI)

A Simple Step-by-Step Guide to your Traumatic Brain Injury

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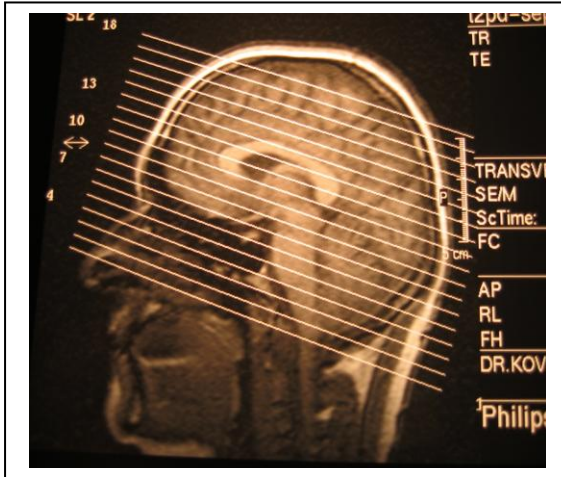
Dedication.....

This guide serves to help those suffering with a [traumatic brain injury](#) or those who are trying to better understand their injury. Our guide is simple to read, informative and provides a unique look into the life with such an injury. I wrote this guide with one intention, to help those in pain. Life with such an injury is confusing, frustrating and often times lonely. Many patients are taken advantage of by attorneys, doctors and those they trust.

The first step to recovery is to understand your brain injury, how it happened and the potential life-long complications associated with it. This guide will give you the legal standpoint of your injury; refer to case law for additional research, potential award settlements and other relevant information. I encourage you to use this to better understand your injury and maneuver and make the necessary changes.

Most importantly I hope that this guide provides you a better understanding of your [injuries](#) and to help you see that you are not alone. Millions of people from all nationalities, ethnicities and religions suffer from brain injuries. You are not alone in your quest for recovery and there are thousands of professionals who will offer their services to you.

While such injuries can be life altering, it does not mean that you are not able to recover. It is important to keep a positive attitude and outlook. I sincerely hope that this guide will benefit you in some way.



Chapter

1

Brain Injuries

Your brain is one of the most complicated organs of your body. It is the central directory of your memories, thoughts and actions. However, when there is an abrupt or sudden impact a brain injury can occur. While it is important to know that not all brain injuries are serious, more often than not, serious impact or injuries can lead to what is known as a traumatic brain injury.

A brain injury can occur in a number of ways which include: (1) skull fractures; (2) sudden acceleration or deceleration; or (3) blunt force trauma to the head.

There are a number of cases each year where injuries occur through various accidents. Whether it is [motorcycle accidents](#), [automobile accidents](#), construction accidents or violent assaults. Many times the injured parties are unaware or fail to seek proper medical attention. This can have serious implications both physically, emotionally and on the ability for the injured party to recover for their injuries.

Brain injuries are common problem in America and around the world. They have an impact on all members of society. Individuals from all ages suffer from serious brain injuries.

One of the first documented cases of brain injuries was Phineas Gage, who suffered a brain injury at the age of 25 in 1848. Gages injuries were serious. They were caused while he was working as a railroad foreman, when a iron rod was catastrophically propelled through his head. The accident caused the rod to enter through his skull and penetrate through his head. Remarkably he was able to survive the injury, however he suffered serious behavioral injuries. Such behavioral changes are often found to this day with those suffering from serious head injuries.

Brain injuries cost the U.S. over \$30 billion dollars annually and the number continues to grow. Today's advances have helped doctors and those suffering from brain injuries better understand the injury. However, there is still much to be learned.

This guide serves to provide information on your injuries and to better your rights.



Chapter

2

Understanding Your Case

Traumatic brain injuries are highly complex. Much like the brain itself they are difficult to understand. If liability is not an issue, your case will surround itself mainly on your damages. The job of your attorney is to assess the value of your case and obtain a settlement to help you improve the quality of your life after the injury. Brain injuries, unlike other types of harm are lifelong. This requires lifelong care and attention which can be costly. When considering any settlement the future medical cost, pain and suffering and diminished quality of life should be taken into consideration.

While it is true that brain injury settlements are substantial, it is mainly because of the high key of care and diminished quality of life that come with the injuries. Survivors are left with an array of different issues which they did not have before. Everything from emotional to physical changes requiring intensive therapy and care.

If liability is unclear, then it is important to establish who is at fault for your injuries. Often times liability can be denied even though it is clear. In such cases you must take an aggressive approach or stance to achieve recovery. This will depend on where and how the injury occurred.

The second part of understanding your case is understanding your injuries. This includes understanding a) economic harm; b) non-economic harm; c) pain and suffering; d) future loss of earnings.

A. Economic Harm

Economic harm deals with your loss of income, medical bills and future loss of income. Essentially it deals with any type of harm that is directly traceable to some money figure. Examples include your medical bills or lost wages from your injuries. These injuries are always recoverable and must be properly factored in your recovery. An attorney must consider all economic factors and consult with the best doctors to establish and determine the degree of the injury and its impact.

It is important to understand whether the injury will heal and what the chances of recovery are. All of these are factored in your economic loss.

B. Non-economic Harm

This refers to damages which are not immediately identifiable with a specific dollar amount. This includes pain and suffering, emotional and psychological scarring and other types of emotional pain. To better understand the value of this harm you must seek psychological evaluations. Many victims suffer post traumatic disorders where the injury is re-lived day after day.

However certain factors such as proposition 213 can limit emotional distress where the injured party did. It have insurance. While there are certain exceptions to proposition 213 they will generally not allow for non-economic recovery.

C. Pain and Suffering

While it is difficult to put a price on pain, traumatic brain injury survivors often suffer tremendously. Often times they are forced to deal with life-long injuries requiring full time care. Many survivors are forced to completely change their former way of life. Whether it is adjusting to relationships, work or friendships, many are puzzled by these new tasks. To understand your pain and suffering your attorney must know how this injury has hurt you and sacrifices you have made. In order to fully present these facts the attorney needs to know his/her client. While no-one can ever understand the true scope of the pain, it is the attorneys job to make the jury aware of these issues.

D. Future Loss of Earnings

This refers to earnings lost as a result of the injury. Whether it is temporary loss of earnings or a full incapacity, these types of losses are factored into any settlement award. Will the client regain their ability to work and function? If not then their needs to be compensation for this type of loss. Generally this can be calculated by the use of a vocational expert who will chart out the value of each person's economic abilities. Depending on the occupation, placement and tenure a certain dollar amount can be determined. Future loss of earnings are critical to any settlement. They will help in the victims ability to have sufficient resources to satisfy the costs of his life-long injuries.

Chapter

3

Traumatic Brain Injury Statistics

Statistics for these types of injuries can vary. Many suffering from head or brain injuries are unaware that they even have such injuries. This can be due to improper diagnosis by the doctors or other factors. General statistics include:

- On average about 1.4 million individuals in the U.S. alone suffer from some type of brain injury.
- Of those injured over 50,00 persons die annually as a result of their injuries.
- Over 5 million Americans suffer from TBI's annually.
- Over half of the injuries occur from concussions or more minor brain injuries.
- An average range of age groups most likely to suffer from such injuries include, children up to the age of 4 and adults 65 years or older.
- There are over 250,000 emergency room visits by children under the age of 14 for brain related injuries.

These statistics are a rough estimate. While it may give you a glimpse into this issue, it hardly scratches the surface. The scary truth is that there are no exact figures on TBI injuries. Countless individuals suffer from this issue daily. Many are not even aware that they suffer from a TBI.



Chapter

4

Causes of Traumatic Brain Injuries

TBI injuries can be caused by a number of different reasons. Generally they occur through automobile accident, slip and falls, sport injuries, construction accidents or physical assaults. Brain injuries occur when the brain collides with the skull. This can occur with sudden acceleration followed by immediate deceleration. It can also occur when with sudden blows to the head, whether it is through a sports related injury, automobile accident or sports related injuries.

However, it is not always required that there be any physical contact with the head. Instances of whiplash have been known to cause serious brain injuries. This happens when the brain collides with the inner skull causing internal bleeding, hemorrhaging or bruising. As a result there can be damage to the inner blood vessels of the brain. Although, the brain will heal, the damage caused may be permanent. You may suffer long term memory, emotional or physical issues as a result of these injuries.

Often times even after the actual scarring and pain heals, individuals are faced with more aggressive damage throughout their body. It is important to seek prompt, qualified and skilled medical information.

Another cause of TBI can include sudden exposure to pressure changes. This is considered "overpressurization" or "underpressurization". When this occurs the brain can develop air bubbles, which can influence an even blood supply to the brain. At this point the victim can suffer from serious head trauma, which can be irreversible.

Construction accidents are also a leading cause of brain injuries. Due to the inherent nature of construction work, workplace accidents are common. However, when workers or crewmen fail to wear or are not provided adequate safety equipment i.e. hard hats, they can suffer serious head injuries. Usually this occurs from falling objects at construction sites, heavy equipment injuries, including forklifts or earth moving equipment or crane injuries. Unlike other fields of work, construction accident injuries are more likely to produce or cause traumatic brain injuries or serious head injuries. Construction site workers should be aware of their rights and take prompt action to preserve the statutory filing periods in the event that they have been diagnosed with a TBI.



Chapter

5

How Do I Know I Have a TBI?

It is never advised that you attempt to diagnose yourself to determine whether you have suffered a head injury. While some instances may be clear, that is often not the case. To properly determine whether you have suffered a brain injury, professional medical attention is needed. You will need to contact a medical professional to get a skilled assessment.

Usually the best medical professionals that offer this advice are neurologist. These doctors can provide you with a proper understanding of whether you have in-fact suffered a head injury and its degree of seriousness.

Your attorney can also refer you to a neurologist and will often times consider a second opinion, when dealing with head injuries. Certain law firms will advance the health or medical cost associated with these types of injuries, which can be anywhere from \$500 to \$3,500.

Diagnosing a TBI can prove to be difficult when there are no signs of injury. Doctors can use advanced neuroimaging methods, however those are not always accurate. Other tests can include CAT scans, MRI or EEG scans in order to analyze the injury. More clinical tests including psychological testing or more specifically neuropsychological testing can be used in the event that a TBI is detected. These tests can take over 2 hours to perform. Testing conducted immediately following the injury can show serious cognitive difficulties. However, studies have shown that conditions will improve in cases where there is no prior instances of injury.

Common signs or symptoms of a traumatic brain injuries can include:

- Difficulty being able to sleep, which can lead to insomnia.
- Fatigue, or feeling lethargic throughout your day.
- Depression, whether it is consistent or not is a common sign of a traumatic brain injury.
- Difficulty remembering or memory issues.
- Vision issues, including blurry vision or diminished vision subsequent to the injury.

- Constant headaches also known as Post Traumatic Headache Syndrome.
- Post Concussion Syndrome.
- Post Traumatic Amnesia or memory loss.
- Mood swings or an altered mood.
- Ringing in the ears.
- Confusion.
- Lightheadedness.
- Bitter taste in the mouth.
- Behavioral changes.
- Difficulty concentrating.
- Lack of attention.
- Convulsions.
- Slurred speech.
- Numbness throughout the body.

This is not a substitute to a professional doctors opinion, you should consult with a qualified medical professional or an attorney to better understand the scope of your injuries.



Chapter

6

Dealing with Brain Injury Symptoms

Each type of issue noted above can require its own level of treatment. Common ways of coping with these issues can be found below. Dealing with a TBI can be challenging. Studies have shown that proper treatment can tremendously improve the outcome of such injuries. It has been advised that victims not abuse or misuse any type of medication or substances, as this can impair rehabilitation or recovery.

Medical professionals suggest that a healthy dose of exercise and family time should be included in any regiment. It is important that victims not assume a tremendous amount of responsibility after such injuries. Rather they should take time out of their daily schedules or routines in order to heal.

Certain scientific findings have proven results with regards to rest and its impact on recovery. It has been reported that health is more likely to improve with rest. You should try and relax and not think about the injuries. Spending time worrying about the injuries are more likely to make them more noticeable. Panic, fear or worrying can only worsen any bouts of depression or anxiety already caused by your injury. It is important to take time to heal and relax in order to avoid worsening your condition.



Chapter

7

Glasgow Coma Scale and Its Importance

A widely used method of determining the severity of the a brain injury is the Glasgow Coma Scale. This test assess whether any neurological abnormalities exist. The test uses a 15-point test which measures motor response, verbal response and eye opening. The results from these tests are added in order to determine the severity of the injury.

If patients receive a score from 3 to 8 then it is an indication of a severe or serious brain injury. This can generally happen when there is a serious automobile accident, improper or accidental discharge of a firearm or some other type of blunt force trauma to the brain.

Results ranging from a 9 to 12 on the scale indicate a moderate head injury. Moderate injuries are not to be taken lightly and still require proper care and treatment. Other results ranging from a 13-15 on the scale show signs of a low level brain injury.

To better understand what this means in-terms of functionality a 3-8 is a serious injury, which indicates serious cognitive impairment. A 9-12 indicates a moderate injury, with a greater likelihood of full recovery and 13-15 is a mild injury, which can heal without serious complications.

Downtown L.A. Law Group is...

a Personal Injury law firm located in the heart of Los Angeles, California. Their skilled team of attorneys are dedicated to fighting for those suffering from brain and traumatic brain injuries.



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