

Bringing visibility to invisible injuries

I've said it before: the Massachusetts Bar Association has a long history of giving a voice to the underrepresented. Given some of the events of the past few weeks, we have proof that people are listening.

For starters, Gov. Deval L. Patrick recently signed into law MBA-backed legislation creating a Domestic Workers' Bill of Rights. Under the law increasing the minimum wage, he also passed an MBA-backed proposal to increase burial benefits for workers' compensation deaths. (See related story, this page.) This is not only your government at work; this is the MBA at work, and you can be proud of our efforts advancing laws like these that support workers and their families.

In June you may have also seen the news that the One Fund announced its protocol for the second distribution of charitable funds to Boston Marathon bombing survivors. Under an earlier draft of the protocol, some survivors with traumatic brain injury (TBI) and hearing loss — the so called “invisible injuries” — appeared to have ➤2

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been excluded from receiving any direct meaningful award with the One Fund pledging only “programmatically support.”

In response to the One Fund's call for public comment, the MBA submitted a formal statement and hosted a press conference, which I moderated, where survivors, TBI experts and representatives from the Hearing Loss Association of America (HLAA) spoke movingly about their need to be included among those eligible for individual financial awards. The One Fund appears to have taken to heart our concerns.

One week after the press conference, it issued a final protocol that is more inclusive of all survivors, explicitly noting that those with invisible injuries

would qualify for a cash gift as well as programmatic support. This is more than just an “editing job,” as some have trivialized it. While the proof will be in the pudding, we hope it represents a significant change that could, for example, mean victims of invisible injuries might be compensated for loss of earnings and pain and suffering.

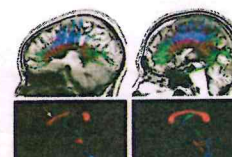
I've spoken for decades about the need for greater awareness of invisible injuries, especially TBI, which affects more than 2 million people per year in this country. This year, through our support of marathon bombing victims, we've been more vocal than ever in our support of this community. Moreover, we are proud that all of our work for marathon survivors has been offered pro bono by MBA volunteer attorneys.

We've come a long way to improve the image of lawyers this year, and this is a struggle we must keep fighting. But I believe what has happened in relation to TBI victims is more than just a misunderstanding of our role; this is indicative of the greater lack of empathy for the severity of TBI injuries.

Ultimately, it means that our work is not done. As long as there are those who don't understand why we would support those with TBI and other “invisible” wounds, there remains a need for our voice to be heard. That is why I am in the process of creating a Brain Injury Task Force, which I described back in March in this very column. Through this we will educate, coordinate, collaborate and, with the help of our lawmaker friends, legislate to improve

conditions for victims of TBI.

We are the preeminent voice of the profession, and our advocacy truly makes a difference. It falls on us to make sure that our voice stays strong for underrepresented populations like those with TBI. ■



While often called an “invisible injury,” traumatic brain injury is detectable.