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## Lawyers Journal

### Supporting TBI victims a no-brainer

By Douglas K. Sheff

March 2014

March is Brain Injury Awareness month, but if you are any kind of a sports fan, you already know that brain injury has been one of the hottest topics at the intersection of sports, law and medicine for the past few years. The National Football League (NFL) and National Hockey League (NHL) are both embroiled in litigation brought by former players over concussions, and Major League Baseball (MLB) just recently banned home plate collisions.

But professional athletes are just a small part of the story. The truth is, brain injury has become an invisible epidemic in our country, impacting millions of people from all walks of life.

According to the Brain Injury Association of America (BIAA), an estimated 2.4 million children and adults in the U.S. sustain a traumatic brain injury (TBI) and another 795,000 individuals sustain an acquired brain injury (ABI) from non-traumatic causes each year. Currently more than 5.3 million children and adults in the U.S. live with a lifelong disability as a result of TBI and an estimated 1.1 million have a disability due to stroke.

I've seen firsthand in my own law practice the suffering experienced by clients with brain injury. I also know how easy it is to miss its signs and symptoms, which often is why it is so difficult to diagnose. But let me assure you, brain injury is real, and its effects are devastating.

Just last month I had the privilege to meet a real American hero: U.S. Rep. Tammy Duckworth (D-IL), an Iraq war veteran who lost both her legs when the Black Hawk helicopter she was piloting was shot down over Iraq in 2004. (See related story, page 13.) On behalf of the MBA, I thanked her for supporting Boston Marathon bombing survivors through her visits with them at Spaulding Rehabilitation Hospital. During our meeting, Duckworth and I discussed our common interest in helping brain injury victims. I was awestruck to learn that, on average, there are 22 successful suicides carried out by veterans each day, many of whom suffered from debilitating brain injuries.

What does this have to do with the MBA?

We have a long history of giving a voice to the underrepresented, both in and out of the courtroom. This past year alone we fed nearly 2,000 people at a Thanksgiving Turkey drive and contributed to a lawyer-backed project to fight homelessness at the Pine Street Inn. Our "12 for 12" program is still ongoing, where we've brought lawyers and clients together to advocate for increased funding for legal aid and our courts.

People suffering from brain injury also need our help. Because brain injury is so often overlooked, victims sometimes go unassisted for years. Yet each day, TBI victims face challenges at their jobs or when trying to get medical coverage for treatment. MBA lawyers are already working pro bono with clients who suffered brain injury and other unseen injuries from the Boston Marathon bombings, but are having trouble getting the compensation their injuries deserve.

As a next step, I would like to propose the creation of a Brain Injury Task Force, one that would follow the collaborative model of our Workplace Safety Taskforce, which successfully educated the public and other attorneys on workplace safety, facilitated access to justice for workers and helped to pass legislation to protect workers and their families. I now hope to bring together leaders from the legal, business, medical, political and scientific fields to study whether TBI victims' rights are adequately protected. Where we find gaps, we will use our collective expertise to facilitate and advocate for the proper solutions. In the process we will educate the public about this important issue.

Helping people with brain injury touches so many corners of our membership. It's more than just a personal injury issue; it's an employment issue, a health law issue and an access to justice issue. Most importantly, it's an underrepresented population that needs a voice.

As the preeminent voice of the legal profession, it's time we speak up. And since it is Brain Injury Awareness Month, I say there's no time like the present.

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