

Spinal Cord Injuries Are Serious Physically, but Also Financially for Victims, Families

When it comes to spinal cord injuries, what the insurance companies won't tell victims could add further insult to already serious injury, pain and suffering.

In Part 1 of the *Shaked Law Blog* series of articles related to spinal cord injury, we'll present information on spinal cord injuries that's often missed by victims and their families when retaining counsel after an accident. This pertinent information can help families determine, together with their attorney, the best course of action when pursuing damages, as well as [economic recovery](#). In Part 2 of this series, we'll tell you the truth about what the insurance companies don't want you to know when you become injured by no fault of your own.

Spinal cord injuries as a result of an accident cause damage to the central nervous system, within the spinal cord. The spinal cord carries nerve signals between the brain and the rest of the body. These signals control bodily sensation, the ability to walk, run, jump, and move. When the spinal cord suffers injury from either an impact to the region (i.e. a motorcycle accident, motor vehicle accident) this considered trauma. Violent acts such as a blow to the spine from a gunshot or sports-related injuries such as football tackles are also common ways spinal cord injuries occur.

Often, children are born with spinal cord injuries that can cause developmental delays, paralysis from birth or shortly after, or tumors. These birth defects are not usually caused by another person, except in specific instances. Surgical mistakes that occur when a doctor is medically negligent fall under medical malpractice or medical negligence, depending on the case.

Personal injury in depth: catastrophic injuries complicate the laws

Within the scope of personal injury law, there are three separate ways to determine what's defined as a **catastrophic injury**.

1. Medical malpractice (a surgeon's negligence, misdiagnosis or failure to diagnose) can result in serious bodily injury to the victim. Injurious behavior on the part of a medical professional can even lead to wrongful death. For this reason, it is classified as a catastrophic injury.
2. Product liability lawsuits can arise when defective products reach consumers before the manufacturing error can be rectified. If a defective car is placed on the market and the brakes fail, or the seatbelts don't work properly, these types of defects can cause permanent, irreversible injury and in some cases wrongful death. This would classify these types of cases as a catastrophic injury.
3. TBI and spinal cord injuries are two of the most catastrophic injuries that can occur. These injuries can be the result of motor vehicle, motorcycle, near-drowning, hit-and-run, defective products, or work-related injury. However one sustains a TBI or a spinal cord injury, if it was at the hands of a negligent or reckless person, there is grounds for a personal injury lawsuit and for damages to be obtained.

Other less severe personal injury actions cannot exceed the recovery amount set for them. However, catastrophic injuries tried in a court of law are able to exceed the caps. Insurance companies try to hide this fact from deserving victims and their families. The truth is the victim has a right to be compensated for medical expenses, lost wages, and most importantly their pain and suffering.

The insurance companies don't want to admit it, but victims of traumatic brain injuries and spinal cord injuries need lifetime care. This is costly, and many insurance companies will refuse to exceed the cap. An

experienced attorney knows the law, and they know that no dollar amount can be placed on the pain and suffering of a victim, but nonetheless they deserve a settlement that covers their care and cost of living with their injury for the rest of their life.

Spinal cord injuries: a checklist of what you need to know next

There are certain things victims of spinal cord and traumatic brain injuries should know about their rights. The insurance companies aren't on your side, but an experienced attorney and the law are. This checklist can help victims and their families gain a further understanding of the laws that the insurance companies want you to overlook, or miss altogether:

- **The Americans with Disabilities Act**: Also known as the ADA. This law protecting the disabled was enacted by congress in 1990. The most recent amendments to this act were enacted on January 1, 2009 by President Barack Obama.
- **The Foundation for Spinal Cord Injury**: "FSCIPCC" is a not-for-profit educational foundation for the care and ultimately the prevention of spinal cord injuries. This foundation raises funds through public awareness, educational seminars and events, and uses the funds to further research in the area of spinal cord injuries.
- **The CDC's website** has real statistics on real injuries. This website provides unbiased facts that the insurance companies hope you'll overlook. The CDC frequently updates their statistics on catastrophic injuries to reflect the most recent data available.

Contact us to schedule a complimentary consultation. There's no obligation. Take the first step and call today: (877) 529-0080



© Sagi Shaked Esq.