

Traumatic Brain Injury: Tough Truths About TBI

The statistics on traumatic brain injuries (also known as “TBI”) in America are staggering. Approximately 1.7 million traumatic brain injuries occur every year. Traumatic brain injury related hospitalizations, surgeries, and ER visits are some of the costliest medical expenses for a family.

When a loved one suffers a traumatic brain injury as the result of someone else’s carelessness it’s difficult to navigate the legal system, making it work on your behalf while caring for an injured family member.

An attorney with TBI-related experience is a must

Retaining a board certified civil trial attorney with experience in TBI-related cases is the first thing that should be done after a loved one is injured as the result of someone else’s negligence. An experienced attorney will take the burden off you, so you can help your loved one heal. That is the only thing a family should have to worry about

Hospital bills, lost wages, and childcare expenses can add up quickly. An attorney with experience in TBI-related injuries can passionately pursue your right to compensation to be able to better care for your loved one.

Two types of traumatic brain injury

In short, there are two different types of traumatic brain injury that occur most frequently: Open and Closed TBI. What are the differences between these injuries? Are there different prognoses for each type?

Open TBI

This type of TBI means that the skull has suffered a fracture. This injury comes as a result of a fall or other serious injury where the skull has direct contact with the hard surface of an object. This type of injury has less chance of *cerebral edema* or swelling of the brain, due to the skull being fractured. However, that doesn’t reduce the seriousness of the injury, and serious cognitive disruption, strokes, coma, and death can occur.

Closed TBI

While a closed head injury doesn’t involve fracture of the skull, it is considered more serious than an open TBI due to the fact that cerebral edema is more likely to occur and thusly, blood clots within the brain can form. This type of TBI as well as an Open TBI can both cause paralysis, loss of consciousness and fatalities if not treated quickly and by experienced medical professionals.

Common, but less severe forms of TBI explained

Contusions (bruises) of the brain frequently occur as a result of motor vehicle accidents and sports-related injuries such as football. These types of injuries force the brain back and forth and the force itself can cause bleeding. Bleeding on the brain can result in stroke, paralysis, and even in death.

An often-overlooked effect of brain trauma is called “tearing”. The force of the brain and skull colliding with a surface can cause small cracks, causing damage to the nervous system and dependent upon where in the brain this damage occurs, can seriously impair use of bodily functions ranging from speech to use of arms and legs.

No matter what kind of trauma the brain encounters, swelling usually occurs. It’s the body’s natural way of beginning the healing process, but it can cause problems when the brain cannot swell past the point of the

skull and has no room to migrate any further. This occurrence is called “intra-cranial pressure”. It can severely impair bodily function and in extreme cases it can cause death.

Evaluating the extent of a traumatic brain injury, a personal injury perspective

After suffering a traumatic brain injury, victims and their families often struggle with medical bills and lost wages. An attorney representing the family will be able to present a medical evaluation pertaining the extent of the victim’s impairments. This evaluation is done in order to obtain compensation that can ease the financial burden on the family.

Some of the findings being evaluated within a TBI-related medical evaluation:

- Can the victim work?
- Can the victim live independently?
- Is the victim protected against discriminatory hiring practices if they attempt to work?
- What medical interventions may improve the prognosis of the victim?

The attorney will look at everything that could possibly assist the family when their loved one has suffered a traumatic brain injury as the result of someone else’s negligence. The evaluation will most likely include records of hospitalization, how much assistance is required to help the victim reintegrate into normal life, and what the likely outcome is long term from a medical standpoint.

Some things that victims of TBI often require upon returning home:

- Round-the-clock home health care aides (nurses, attendants, physical therapists, occupational therapists)
- Disabled access at home (ramps, lowered sinks and toilets, safety bars and wheelchair access in bathtubs/showers)
- Hospital bed in a home care setting (this occurs when the victim cannot ascend and descend the stairs in their own home upon returning)
- Assistance with cooking, bathing, dressing, and taking medications
- Accessible vehicles and an aide to drive the victim to doctor’s appointments, errands, etc.

Brain injuries and your right to pursue a legal claim

When you or a loved one has suffered a traumatic brain injury and someone else is at-fault, you are entitled to pursue a lawsuit against that person in attempt to collection “damages” or compensation to ease the financial burden placed upon you when you or your loved one becomes unable to work.

When you pursue a lawsuit, your attorney will use two legal theories to determine if you were injured because of someone else’s carelessness. The “negligence” principle of liability can be used to thoroughly provide proof that someone owed you a reasonable duty of care and failed to fulfill such duty, causing you or your loved one a TBI.

The negligence principle is used when someone’s action—or lack thereof—was the main cause of the injury or death.

In the next article, we’ll look at the second principle used: **product liability** and determine what happens when you are injured by a defective product or a piece of equipment as opposed to another person’s negligence.

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

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