



Garden State CLE
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Required: When you hear the bell sound, write down the secret word that appears on your screen on this form.

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What did you like most about the seminar?

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I Certify that I watched, in its entirety, the above-listed CLE Course

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GARDEN STATE CLE LESSON PLAN

A 1.0 CLE CREDIT COURSE

FREE DOWNLOAD LESSON PLAN AND EVALUATION

TRAUMATIC BRAIN INJURIES

WITH

BRUCE STERN, ESQ.

AND FEATURING

ROBERT RAMSEY, ESQ., SENIOR INSTRUCTOR

Program Description

From the beginning, clients with brain injuries have the cards stacked against them. The body's computer is jumbled and the injured party can be devastated. This CLE addresses many of the issues raised in the representation of the brain injured plaintiff.

I. INTRODUCTION

- **Garden State Continuing Legal Education**
- **Panelists:**
[Bruce Stern, Esq. and Robert Ramsey, Esq.]
- **Scope of Topic**

II. CONCUSSIONS

- **The term “closed head injury” is no longer used very much**
- **They are brain injuries. There is a new consciousness and new rules in sports. A concussion is no longer a “ding”**
- **There is better equipment and the Manufacturers of head gear are facing Products Liability suits currently**

III. DAMAGE DETERMINATION IS IMPORTANT TO MAKE AS EARLY AS POSSIBLE

IV. BRAIN INJURIES ARE ON A CONTINUUM

- **Day-in-the-life films are quite persuasive**
- **Objective evidence of injury**

V. HANDLING OF A CLAIM

- **Look for responsible party and the ability to compensate the injured party. Examples: fights, one in a bar and one in a home. Look to homeowner's insurance and dram shop liability for the fight. Claims vs. bad actor and the bar or server of liquor to the visibly intoxicated party and possibly a separate security company**

VI. CAUSES OF BRAIN INJURY

- **Trauma to the head**
- **Acceleration/Deceleration of the Head: angular acceleration. The brain is like jello and sits in the skull like jello in a bowl, but the "bowl" is more like a mountain range and has a shearing effect on brain matter in the cranium. No outward signs of injury**

VII. SIDEWALK CASES LEND SOMETHING HERE

- **In brain injury cases, the basic standards of negligence need to be addressed**
- **Proximate cause included, in a big way**

VIII. INVESTIGATE

- **Statements**
- **Measurements**
- **Investigators**
- **Video surveillance**

IX. SYMPTOMOLOGY IS IMPORTANT TO THE LAWYER TOO

- **Attention, concentration, balance and other issues**
- **Neurologists**
- **Physiatrists**

X. DIAGNOSTIC-COGNITIVE MEASURES OF THE BRAIN INJURED PARTY

XI. SOURCES OF INJURY

- **Auto**
- **Construction site accidents**
- **Fights**
- **Sports injuries are largely non-compensable but it depends on the defendant and charitable immunity, assumption of the risk and Title 59 immunity.**
- **Age of the Defendant**

XII. ADVICE TO THE PLAINTIFF'S BAR

- **See the client early and often, like a Cook County voter**
- **Have Doctors make regular evaluations of the client regarding “alterations in consciousness”**