

You & The Law

BRAIN INJURIES AND THEIR EFFECTS



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Tomchenko
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"Mental Illness often a Byproduct of Concussions" declared an attention-grabbing newspaper headline recently. The effort to draw attention to the often misunderstood subject of brain injuries (of which concussions are a common type) is justified. "Concussion" or even "mild concussion" sounds harmless and, too often, is incorrectly viewed lightly, like a sprain or minor fracture.

It's true that in most cases, a single, first incident of minor concussion – if promptly and properly treated and if given enough time to heal – will heal if there's no repeat incident. The good news is that some 85% to 95% of people suffering from one uncomplicated mild concussion or mild traumatic brain injury (MTBI), the medical term which describes more accurately what's involved, recover within six months.

But sadly, in a significant minority of cases, even the first, single incident of a mild concussion or MTBI can have severe and long-lasting or even permanent effects. For these 5% to 15% of victims, the positive statistics are irrelevant – though their physical brain injury was "mild," its adverse consequences can be severe and disabling.

Then there is also the cumulative effect of repeated concussions to consider, which substantially increases the risk of serious adverse consequences. Hockey players, football players and boxers all face the increased risks associated with repeat "hits" potentially causing concussions.

It's not sports players who are hurt the most, however. Car crashes are by far the single most common cause of brain injuries. They account for one half of brain injuries. The rest are caused by all other causes – work-related injuries, falls, illnesses, sports injuries, assaults or fire arms – combined.

So what are some of the serious potential effects of mild concussion or MTBI?

Depression, a form of mood disorder, often follows a brain injury and can be long-lasting. It can lead to reduced motivation, anxiety, sleeping difficulties and avoidance problems. Because there's a stigma attached to any mental

illness, victims are often reluctant to talk about these issues and their feelings.

Concussions may also result in negative personality changes. Victims may become temperamental, irritable, impulsive and irrational, and may exhibit hurtful behaviour, making them difficult to live with. To friends and loved ones, they may seem like a different person.

Concussion victims can also develop persistent cognitive difficulties, such as memory and learning problems, inability to function under stress, speech or written communication difficulties, and problems with executive functions like punctuality, organization, focussing their attention and planning. Other neurological conditions may develop too.

After an incident of brain injury, the potential for later multiple injuries increases greatly. U.S. figures suggest the risk of a second injury is two to three times greater than average, and after that the potential for a third injury increases to eight times the normal average.

The bottom line is that, in some cases, the cognitive, emotional, behavioural and social effects of a mild concussion or MTBI can severely disable and impact the victim's life. Rehabilitation and treatment may be needed for many years and require many different specialists, and it can be expensive.

It's important for car crash victims suffering concussion to seek experienced medical and legal assistance. Your lawyer will assess the merits of your case, assemble the evidence, arrange for expert witnesses, prepare your case for trial (if necessary), and obtain appropriate compensation in court or by negotiation of a fair settlement.

This column has been written with the assistance of SHADRIN BROOKS. It provides information only and must not be relied on for legal advice. Please contact SHADRIN BROOKS of BTM Lawyers LLP for legal advice concerning your particular case.

Lawyer Janice Mucalov, author of this article, has written several popular law books and writes about legal affairs for a variety of publications. "You and the Law" is a registered trade-mark. © by Janice Mucalov



Shadrin Brooks



Brooks
Tomchenko
Morrison

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Contact Shadrin Brooks Telephone 604.937.1166
301 - 2502 St. Johns Street, Port Moody, BC, V3H 2B4