



CAMPISI LLP

Personal Injury Lawyers
CHAMPIONS WITH HEART.

Traumatic Brain Injuries
WHAT YOU NEED TO KNOW



If you have suffered a Traumatic Brain Injury (TBI) including a Concussion (mild or mTBI), you will face many challenges in your rehabilitation, and will need advice concerning your best course of action. If you were injured in a car accident, you will have to seek treatment through your no-fault insurance coverage. In many cases, your insurer will not accept your claim at face value due to the difficulty of detecting and demonstrating TBI symptoms. You may miss significant time at work or be unable to care for yourself or your children without assistance. An experienced and compassionate personal injury team can submit your benefits applications, organize treatment plans, income replacement funding and various other benefits, so you can concentrate on your recovery.

Traumatic Brain Injury

An Overview

As the name implies, these injuries are suffered after a direct or indirect trauma to the head or brain from a car accident, slip and fall or other accident. In these situations, you may have the opportunity to claim compensation for your injuries through a lawsuit against an at-fault driver, property owner or other negligent party. If the trauma happened in a car accident, you will also have access to “no-fault” accident benefits through your insurance company, or the other driver’s if you are not insured. The amount of medical rehabilitation benefits that a no-fault insurer will pay depends on the severity of the injury.

TBIs are classified according to the severity of the initial trauma, ranging from Mild (Concussion) to Severe.

This does not refer to the severity of your symptoms, impairment or recovery. Under Ontario’s current Accident Benefits law (called the SABS), certain types of TBI will be designated as a Catastrophic Impairment (CAT) and will have up to \$1,000,000 available for medical rehabilitation and attendant care. A CAT designation provides access to greatly increased funding for treatment, home care and other benefits that you may require. If you have received radiological imaging for a head injury that identified intracranial trauma, you should consult a lawyer concerning a potential application for determination of Catastrophic Impairment.

Diagnosing a TBI

A mild TBI can be difficult to identify.

Ordinarily, paramedics and doctors will apply a short test known as the Glasgow Coma Scale (GCS) to patients. It tests the response of victim's eyes, verbal commands, and motor ability. It is scored out of 15, with a 3 indicating no response. The GCS scores classify Traumatic Brain Injuries (TBI) as Mild (14–15); Moderate (9–13) or Severe (3–8). However, a GCS score of 15 does NOT mean that you have not suffered a brain injury. Often the effects of an mTBI are subtle and manifest over several days. It is important to pay close attention to your symptoms following a car accident or other trauma. Symptoms can include: headaches, dizziness, lethargy, sensitivity to light and sound, irritability or other mood changes and disorientation.



If you are experiencing any of these symptoms, speak to your doctor.

Moderate and severe TBIs can be identified on MRI and CT scans by the evidence of intracranial injuries that accompany them. Unfortunately, there is no definitive imaging technology that can detect the presence of a mTBI, which can occur in the absence of direct head trauma or loss of consciousness. In many “whiplash” accidents, for example, the mTBI occurs because the victim's head snaps back and forward causing the brain to strike the rigid inner surface of the victim's skull.

However, several diagnostic tools are available including: Computed Tomography (CT), Magnetic Image Resonance (MRI), Single-Proton Emission Computed Tomography (SPECT), diffuse tensor imaging and others. Because each has risks associated with it, these technologies are usually only recommended where there is evidence of Intracranial Injury (ICI). If there is low risk of ICI, the attending physician will usually use Clinical Decision Rules to arrive at a diagnosis. A decision rule is defined as a decision-making tool that incorporates 3 or more variables from the history, physical examination or sample tests of the patient. Essentially, the physician examines the available evidence and exercises professional judgement based on experience and training.



Remember that you are your own best advocate, and often the best or only witness of the injury. If you believe there is a risk of ICI, do not be afraid to seek a second opinion regarding a CT Scan or other test.



The Ontario Neurotrauma Foundation publishes an online resource – Guideline For Concussion/Mild Traumatic Brain Injury & Persistent Symptoms (<http://braininjuryguidelines.org/concussion/index.php?id=154>). This Guideline are an excellent reference for mTBI victims and their caregivers. It offers valuable information concerning diagnosis and management of post-concussion symptoms.

Thankfully, most mTBIs resolve within the first three months. Nonetheless, during this period, you may experience a variety of disabling physical, cognitive and psychological or emotional symptoms. Occupational therapy is often recommended for the physical symptoms. Traditional treatments for these persistent post-concussion symptoms include education and training on self-management strategies, such as energy conservation, relaxation and sleep hygiene. All of these are important to your return to health.

Cognitive problems following a TBI can be difficult to detect. **You must pay close attention to your thinking as you attempt to engage in normal activities.** You must also ask your family and caregivers to monitor your cognitive level. If your reactions appear slow or confused, or you are unable to perform a previously learned task, this can be a sign of cognitive dysfunction. Speech and comprehension difficulties are also warning signs. **If you suspect that you are suffering from impaired cognition, consult with your doctor.** They can refer you to a neuropsychologist or other professional for testing.

If you feel anxious, depressed, or irritable, you should seek a psychological consultation. Nightmares or flashbacks and/or unusual behavior are also indicators that a psychological consult may be warranted. Counselling or medication may be recommended. Therapists and social workers can help you learn to cope with your specific challenges.

In cases where traditional treatment fails to relieve your ongoing symptoms, innovative new technologies are available that use electromagnetic current or pulses, or low-level laser treatment to stimulate healing.

Despite recent advances in treatment, however, many mTBI victims will develop long-term or chronic Post-Concussion Syndrome. **Generally, if you have been in a car accident or other event that leads to injury, you have up to 2 years to start a lawsuit against the at-fault party.**



Our Role

At Campisi LLP, our guiding principle is **“Clients First, Excellence Always”**. We are committed to our clients.

We will assist you in every aspect of your rehabilitation, including:

- setting up the accident benefits claims;
- ensuring that treatment providers are paid;
- arranging appointments; and
- booking necessary assessments.

Often, your insurance company will deny treatment plans, or will seek second opinions regarding proposed treatment or assessments. We will work with the insurer, or challenge them if necessary, to ensure that your needs continue to be met.

If there is a potential lawsuit concerning your injuries, we will discuss it with you at the initial consultation and ongoing. We will begin to develop the case immediately, although several years may be required to understand the extent of the damages claimed.

We will:

- order medical records;
- collect information regarding negligence;
- develop a theory of the case, and
- establish a long-term strategy for winning the lawsuit.

We will continue to keep you advised of the progress of the case and will always consult with you before making any major decisions. We want you to understand the process so that you can make informed choices.

Available Claims/Compensation

There are several potential sources of compensation:

 YOUR AUTOMOBILE INSURANCE	 PROPERTY INSURANCE	 MORTGAGE INSURANCE	 FAMILY INSURANCE THROUGH EMPLOYMENT	 DAMAGES / SETTLEMENT AGAINST AT-FAULT PARTY'S INSURANCE
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Claims against these insurers can be settled. If you choose to settle, you will exchange your right to make further claims in exchange for a lump sum of money. The size of the settlement will generally be proportionate to the risk that the insurance company will have to continue making payments on the claim. For example, if you are expected to need \$50,000 in future medical benefits, the settlement should take this amount into account.

It is important to remember that a settlement is always a compromise between two parties who disagree about the value of the claim.



We will advise you about the potential value of your claims and negotiate a favourable settlement (if that is your preference).



In a lawsuit, (depending on the severity of impairment), you can claim damages including amounts for:

- loss of future income or earning potential;
- cost of future medical rehabilitation;
- cost of future housekeeping;
- loss of future shared family income (if you are unlikely to marry);
- out of pocket expenses;
- cost of future attendant care;
- pain and suffering;
- loss of care, guidance and companionship suffered by your immediate family; and
- economic losses incurred by family members.

In very serious cases, you may never work again, and may require ongoing supervision and care. We will work with leading experts to quantify these losses, which can be substantial over the course of your life. Pain and suffering damages do not have a direct monetary value, and in Canada are subject to an arbitrary limit imposed by our Supreme Court. As a result, these damages are comparatively small but still significant.

Usually, the defendants in a lawsuit will want to settle rather than go to trial. We will advise you on the best course of action as the claim develops.



The impact of any traumatic brain injury, whether it is classified as Mild, Moderate or Severe, can be devastating and permanent for you. At Campisi LLP, our experienced Personal Injury and Accident Benefits team will help you get through this difficult time. We will fight to ensure you get the compensation and care you deserve.



Client experienced post-concussion syndrome (absent the initial evidence of traumatic brain injury).

Total compensation exceeded \$2.2 million.

Campisi Wins Cases

Below are just some of the outstanding results we have achieved for our clients:

Client fractured their ribs and received burns to their legs (13% of body).

Total compensation exceeded \$2.5 million.

Client received 2nd and 3rd degree burns to their face, neck and chest area (18% of body).

Damages recovered exceeded \$3.5 million.

Client fractured their sternum and spine – subsequently diagnosed with post-concussion syndrome (no evidence of traumatic brain injury during four-day hospitalization).

\$1.8 million in total compensation recovered.

Client experienced post-concussion syndrome although there was no initial evidence of traumatic brain injury.

Total compensation exceeded \$2.2 million.

Client hospitalized with mild traumatic brain injury overnight – led to post-concussion syndrome.

Recovered \$1.05 million in total compensation.

Client experienced chronic pain following a broken collarbone.

Total compensation exceeded \$1.1 million.

Client suffered relatively minor physical injuries – unclear whether the collision caused client's subdural hematoma (brain bleed).

Total compensation exceeded \$2 million.

Client suffered a traumatic brain injury – at fault for collision.

\$1.5 million in compensation recovered.

Client broke nose in collision – no other lasting physical impairments.

\$400,000 in damages recovered.

Past results are not necessarily indicative of future results. The amounts recovered and litigation outcomes will vary according to the facts in individual cases.

All of these clients trusted Campisi LLP to represent them. Although we cannot guarantee that all claims will lead to exceptional results like these, clients can trust Campisi LLP to invest the same passion, effort and expertise in every case.

With Campisi LLP on their side, our clients know they are in good hands and this means they can focus on their recovery.



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Campisi LLP Team

Our team has more than 50 years of combined experience helping clients through the complicated personal injury and accident insurance claims processes. Our founding partner Joseph Campisi teaches insurance law at Canada's largest law school. We all benefit from his cutting-edge knowledge and understanding.

“ I cannot say enough good things about this law firm. The staff is professional, efficient and reliable. I am beyond grateful to Joseph Campisi. He is exceptionally educated when it comes to personal injury law and because of that, he always acts in the best interests of his clients. He acts with integrity, knowledge and care. Qualities I believe are very hard to find in this industry. I would recommend Campisi LLP to anybody that is looking for their best interests to be represented with solid results. His staff are welcoming, professional and patient. They actually empathize with what you have been through and support you through it. ”

~ *Melissa Micucci*

Contact us

At Campisi LLP, we represent clients the way we would want our families to be represented – with true caring and support. We make ourselves available 24/7, even on evenings and weekends, to answer questions, provide advice and help clients and their families at a difficult time.

 7050 Weston Road, Suite 101
Vaughan, ON, L4L 8G7

 416-800-1680
1-855-525-5502 (toll-free)

 info@campisilaw.ca

Visit us at www.campisilaw.ca



CAMPISI LLP

Personal Injury Lawyers

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We will look at your case for free
and you don't pay until your case is won or settled.

We provide services in the following areas of personal injury law:

Airplane Accidents
Amputations
Assaults
ATV Accidents
Bicycle Accidents
Boating Accidents
Brain Injuries
Broken Bones

Burns
Car Accidents
Catastrophic Injuries
Children's Injuries
Chronic Pain
Dog Bites
Fatalities

Long-Term Disability
Motorcycle Accidents
Slip and Falls
Snowmobile Accidents
Spinal Cord Injuries
Truck Accidents
Wrongful Death

We Speak Your Language

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Hebrew
ASL
French
Arabic
Spanish

Portuguese
Hindi
Malayalam
Mandarin
Cantonese
Ukrainian

Gujarati
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Call us today: 1-855-351-1115



Campisi LLP Personal Injury Lawyers

7050 Weston Road, Suite 101, Vaughan ON L4L 8G7

Tel: 416-203-1115 | Fax: 416-203-7775 | Toll Free: 1-855-351-1115 | 24 Hour Line: 416-820-9434

Email: info@campisilaw.ca | Web: www.campisilaw.ca

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