

Traumatic Brain Injury: “Our Clients Need and Deserve Our Passion”

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Brain injury cases are often long, contentious and intrusive ordeals for our clients, individuals who have suffered brain injuries. Typical defense tactics include: (1) subpoenaing every prior medical or other record it can find regarding our clients; (2) requesting that our clients undergo defense medical examinations by experts who usually have a track record of opining that someone’s problems are not the result of a brain injury; (3) conducting surveillance of our clients by private investigators; (4) interviewing acquaintances of our clients, and discussing our clients’ brain injuries and cases with them; and (5) combining these efforts and others to find a theory, other than the brain injury, which the defense can sell to the jury to explain our clients’ problems. This process makes victims of a traumatic brain injury feel victimized a second time, often causing them to experience self doubt and helplessness.

More than any other type of injury case, a brain injury case requires the trial lawyer to be a pillar of strength and stability for his or her client. It is absolutely necessary for the trial lawyer to vigilantly fight overly intrusive defense tactics and to protect the dignity of his or her client. Moreover, the trial lawyer must constantly remind and reassure the client that he or she is the innocent victim of someone else’s negligence. Most importantly, the trial lawyer for an individual with a brain injury must be truly passionate in fighting for the client – from the beginning of the case to its conclusion. Our clients need and desire nothing less from us.

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