



14 SIGNS
YOU HAVE SUFFERED A BRAIN
INJURY AND NEED A LAWYER

Courtesy of:
Proner & Proner Attorneys at Law
Leading New York Personal Injury Attorneys

PRONER & PRONER
— ATTORNEYS AT LAW —

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PRONER & PRONER IS A PERSONAL INJURY LAW FIRM WITH OVER 50 YEARS OF EXPERIENCE IN NEW YORK.

Proner & Proner has helped thousands of clients recover millions of dollars in compensation since its formation.

Proner & Proner was founded by A. Stanley Proner in 1958, soon after he returned from military service in Korea. He wanted to help people who had suffered tragic, unexpected accidents. From the beginning, Proner & Proner had a philosophy of putting its client's needs first. Stanley Proner believed that success would follow if the firm focused on its clients. A. Stanley Proner had a record of distinguished service within the legal community. He was a Director Emeritus (lifetime member) of the Board of Directors of the New York State Trial Lawyers Association. He was also a master arbitrator of the American Arbitration Association and a former New York state delegate to the Association of Trial Lawyers of America. When New York State's no-fault law was first proposed in Albany, Mr. Proner chaired the Trial Lawyers Association Committee on automobile insurance and no-fault legislation.

Growing up in his father's office, it was natural for Mitchell to follow in his father's footsteps and join the firm as a personal injury lawyer. Upon graduating from law school, Mitchell Proner joined his father in the firm. Since then, Mitchell has been the managing partner and has advocated tirelessly for those who have suffered injuries through no fault. Over the last 30 years, he has become a nationally renowned [personal injury attorney](#) and trial lawyer. He fights for injured accident victims across the United States and worldwide.

Mitchell has been recognized as one of the country's most talented and experienced trial advocates. He has represented clients in over 30 jurisdictions across five continents. He has lectured to Bar Associations and attorney groups in the U.S., Canada, and Europe on representing accident victims.





Within the legal community, Mitchell Proner has held important positions and received many prestigious honors:

- Elected President of the New York State Academy of Trial Lawyers.
- Lifetime member of the Multimillion Dollar Advocates Forum.
- Top 100 Trial Lawyers, American Trial Lawyers Association, 2009-present.
- Nominated by his peers as “Super Lawyer,” 2008-2014.
- Rated “AV,” the highest-possible peer review rating, for his ethics and skill in advocacy by Martindale-Hubbell.
- Director Emeritus (lifetime member) of the New York State Trial Association.
- Chairman of the Motorcycle Negligence Litigation Group of the Association of Trial Lawyers of America, an organization of over 60,000 trial lawyers.
- Chair of numerous prestigious legal committees and organizations.
- Lecturer and faculty member of the New York State Trial Lawyers Institute.

Mitchell is admitted to practice law in Connecticut, New York, Pennsylvania, Missouri, and Michigan. He is fluent in both Spanish and Italian.

Mitchell is also a passionate advocate for the motorcycle rider community. In 1990, Mitchell was hit by a taxi that ran a red light while riding his '88 Sportster. In the crash, Mitchell broke his wrist, ankle, and multiple bones in his back. Following several operations and hospital stays after the accident, he was riding again and continues to ride today. In fact, since the accident, Mitchell has covered over 120,000 miles on his bike. Since then, he has represented many litigants in the motorcycle community and won millions of dollars in compensation.

If you have been injured and need help, call us at 212-986-3030 or visit us at <https://www.prolaw1.com/contact/> to book your free consultation today.

HOW DO YOU KNOW IF YOU NEED A BRAIN INJURY LAWYER?

Brain Injury, sometimes called "TBI" or Traumatic brain injury, is caused by an outside force, usually but not always a violent blow to the head. It can also happen from rapid acceleration and deceleration, like the shaking of your head resulting in Traumatic brain injury as in a car accident, or a fall, where the rapid deceleration of a moving car, or a landing on the ground, results in the head moving abruptly to a stop, causing a "shearing" of brain cells inside the skull. The degree of damage can depend on several factors, including the nature of the injury and the force of impact.

Immediate or delayed brain injury symptoms may include confusion, blurry vision, and difficulty concentrating. Typical signs and symptoms of mild traumatic brain injury may include:

1 Physical symptoms

- Headache
- Nausea or vomiting
- Fatigue or drowsiness
- Problems with speech
- Dizziness or loss of balance
- Seizures. Some people with traumatic brain injury will develop seizures, and the attacks may occur only in the initial stages or years after the injury. Doctors often refer to recurrent episodes as post-traumatic epilepsy.

2 Sensory symptoms

- Sensory problems include blurred vision, ringing in the ears, a bad taste in the mouth, or changes in the ability to smell.
- Sensitivity to light or sound

3 Cognitive, behavioral, or mental symptoms

- Loss of consciousness for a few seconds to a few minutes
- No loss of consciousness but a state of being dazed, confused, or disoriented
- Memory or concentration problems
- Mood changes or mood swings
- Feeling depressed or anxious
- Difficulty sleeping
- Sleeping more than usual



Moderate to severe traumatic brain injuries

Moderate to severe traumatic brain injuries can include any of the signs and symptoms of mild injury, as well as these symptoms that may appear within the first hours to days after a head injury:

4 Physical symptoms

- Loss of consciousness from several minutes to hours
- Persistent headache or headache that worsens.
- Repeated vomiting or nausea
- Convulsions or seizures
- Dilation of one or both pupils of the eyes
- Clear fluids draining from the nose or ears
- Inability to awaken from sleep.
- Weakness or numbness in fingers and toes
- Loss of coordination

5 Cognitive or mental symptoms

- Profound confusion
- Agitation, combativeness, or other unusual behavior
- Slurred speech
- Coma and other disorders of consciousness

An experienced brain injury lawyer is also familiar with complications that doctors in an initial emergency room visit may miss.

Several complications can occur immediately or soon after a traumatic brain injury. Severe injuries increase the risk of a more significant number of and more-severe complications.

6 Some of the conditions that may be missed include may include:

- **Headaches.** Frequent headaches are widespread after a traumatic brain injury, and they may begin within a week after the injury and could persist for as long as several months.
- **Vertigo.** Many people experience vertigo, a condition characterized by dizziness, after a traumatic brain injury.
- **Blood vessel damage.** Several small or large blood vessels in the brain may be damaged in a traumatic brain injury, which could lead to a stroke, blood clots, or other problems.

An experienced brain injury lawyer is also familiar with complications that doctors in an initial emergency room visit may miss.



Associate attorney Vanessa Angeles

Sometimes, any or several of these symptoms might linger for a few weeks to a few months after a traumatic brain injury. When a combination of these symptoms lasts for an extended period, this is generally called persistent post-concussive symptoms. An Experienced Brain Injury Lawyer can explain this to insurance carriers. Defense lawyers and Juries know how these significant results of traumatic Brain Injury deserve substantial compensation, and often only a multimillion-dollar settlement is fair.

Traumatic brain injuries at the base of the skull can cause nerve damage to the nerves that emerge directly from the brain (cranial nerves).

7 Cranial nerve damage may result in the following:

- Paralysis of facial muscles or losing sensation in the face
- Loss of or altered sense of smell or taste.
- Loss of vision or double vision
- Swallowing problems
- Dizziness
- Ringing in the ear
- Hearing loss

Intellectual problems

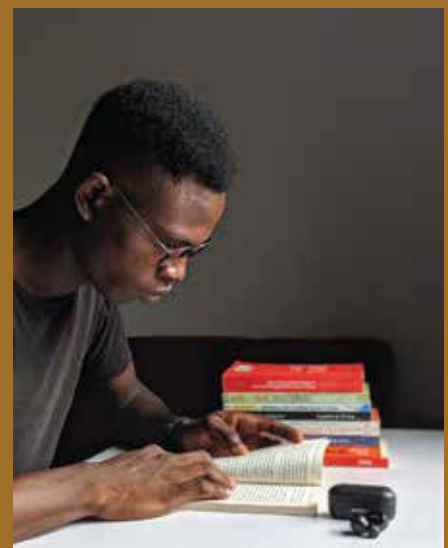
Many people with a significant brain injury will experience changes in their thinking (cognitive) skills. It may be more challenging to focus and take longer to process your thoughts. Traumatic brain injury can result in problems with many talents, including:

8 Cognitive problems

- Memory
- Learning
- Reasoning
- Judgment
- Attention or concentration

9 Executive functioning problems

- Problem-solving
- Multitasking
 - Organization
 - Planning
 - Decision-making
 - Beginning or completing tasks



Communication problems

Language and communication problems are common following traumatic brain injuries. These problems can cause frustration, conflict, and misunderstanding for people with a traumatic brain injury, family members, friends, and care providers.

10 Communication problems may include:

- Difficulty understanding speech or writing.
- Difficulty speaking or writing.
- Inability to organize thoughts and ideas.
- Trouble following and participating in conversations.

11 Communication problems that affect social skills may include:

- The trouble with turn-taking or topic selection in conversations.
- Problems with changes in tone, pitch, or emphasis to express emotions, attitudes, or subtle differences in meaning
- Difficulty understanding nonverbal signals.
- Trouble reading cues from listeners.
- Trouble starting or stopping conversations.
- Inability to use the muscles needed to form words (dysarthria)

Behavioral changes

12 People who have experienced brain injury may experience changes in behavior that may include:

- Difficulty with self-control
- Lack of awareness of abilities
- Risky behavior
- Difficulty in social situations
- Verbal or physical outbursts





Emotional changes

13 Emotional changes may include:

- Depression
- Anxiety
- Mood swings
- Irritability
- Lack of empathy for others
- Anger
- Insomnia

14 Sensory problems

Problems involving senses may include:

- Persistent ringing in the ears
- Difficulty recognizing objects.
- Impaired hand-eye coordination
- Blind spots or double vision
- A bitter taste, a bad smell, or difficulty smelling
- Skin tingling, pain, or itching.
- The trouble with balance or dizziness

**Schedule a Free
Consultation**

THE BENEFITS OF WORKING WITH A BRAIN INJURY LAWYER

If a brain injury is suspected and caused by accident, the wise decision is to consult with an experienced brain injury lawyer.

The attorney can help the patient to understand the legal rights to compensation in a brain injury case. An experienced brain injury lawyer can help the patient to recover:

- Medical expenses
- Lost wages
- Pain and suffering
- Loss of future earning potential
- Money for Loss of Enjoyment of Life
- A Spouse has the Right to Recovery for Loss of Spousal services, including disruption of normal spousal relations.



Senior attorney Tobi Salottolo has been handling cases at Proner & Proner for 30 years

The cases involving brain injury include a greater deal of negotiations with insurance companies, lawyers, responsible parties, etc. The timelines play a crucial role as the longer the patient waits to begin the process, makes more difficult it is to justify the TBI claim. A TBI attorney helps in filing the case and getting appropriate compensation for you.

A brain injury lawyer can help with the following:

- **Conduct an immediate and ongoing investigation to show the fault of responsible parties, to ensure full and fair compensation, and if a settlement is not forthcoming, can do the demanding work necessary to win a brain injury case in court, including gathering evidence, hiring experts and conducting depositions of adverse witnesses.**
- **Fight for the highest compensation and standard of medical care:** TBI causes damage to the health and overall well-being of a person. An experienced brain injury lawyer can help map the damages and fight for the patient's compensation. In addition, the lawyer ensures the compensation covers all hospital expenses, doctor expenses, physical therapy and brain injury rehabilitation costs, ongoing expenses related to injury, therapies, medical appointments, transportation, etc.
- **Support proper diagnosis, treatment, and compensation for TBI:** Proper diagnosis and treatment are essential for recovery from TBI. The brain injury lawyer has good connections with physicians, neuropsychologists, TBI specialists, etc., and can refer the patient to them based on the patient's condition. The proper diagnosis of the damage helps in expediting the process of getting the highest possible compensation from the insurer.
- **Get compensation for a lifetime in case of permanent disability:** TBI can be permanent and can cause irreversible damage to the patient. In such cases, the patient will need lifelong support to live with the damage caused by the injury. In case of permanent damage, the traumatic brain injury attorney ensures that the patient gets the benefit and compensation required for the rest of their life.

HOW TO CHOOSE A LAWYER AFTER A BRAIN INJURY

Choosing a lawyer after a Traumatic Brain injury or "TBI" is an important decision. You want to get a lawyer with experience, a reputation for skill and ethics in the community, and one that can give you a realistic evaluation of your case and its potential.

How do you know if your lawyer has experience? They will tell you. For example, At Proner and Proner, we have been successfully litigating brain injury cases for over thirty years. Not only can we say we have taken brain injury cases to trial, but our principal trial attorney Mitchell Proner has achieved some of the highest verdicts for brain injury and has even won an appeal of large jury verdicts that defendant insurance carriers tried to avoid in the higher Courts. It is a history of successful verdicts and trials that give leverage to our negotiations. The other side knows if our demands are not met, we are prepared to go to trial and appeal, and we have a history of cases to show for it.

Our lead trial Attorney Mitchell Proner has successfully litigated cases with a special emphasis on brain injury cases in over thirty jurisdictions obtaining multimillion-dollar verdicts and settlements every year since 1994.

How do you know if your lawyer has a reputation in the community? A lawyer, under the rules of ethics, is allowed to tell you the positions they have, lectures they have given, and committees they have been appointed to.



Mitchell Proner is one of less than 20 lawyers in the State of New York to have the honored distinction of having served as "President of the New York State Academy of Trial Lawyers," the largest State Trial Lawyers Association in the United States.

He has provided Continuing Legal Education, including lectures on Brain Injury Cases to attorney Bar Associations throughout the United States, as well as in Canada and in Europe. He has been nominated by his peers as a "Superlawyer"

for fourteen consecutive years, is a life member of the Multimillion Dollar Advocates Forum, has been selected as one of the "Top 100 Trial Lawyers" by the American Trial Lawyers Association for 12 consecutive years and the National Trail Lawyers "Top 100 Civil Plaintiffs Lawyers" for three consecutive years. He is a member of the Leadership Forum of the American Association of Justice and a Director Emeritus of the New York State Trial Lawyers Association. He has repeatedly been selected for the Judicial screening of applicant justices for the New York State Court of Appeals, the highest court in the State of New York.

How Long Does a Brain Injury Case Take?

After a brain injury, oftentimes, your life is disrupted not just physically but economically as well. It may not just be a lengthy hospitalization or the time it takes to go to doctor's appointments that interfere with work. There are medical bills, loss of earnings, transportation costs, and other household expenses that disrupt your life. Someone may have to take a leave of absence from employment to help a spouse with a brain injury. Disability insurance and sick time do not always seem enough to pay all the bills. It becomes a natural response to wonder how long a brain injury case takes to settle.

With every one of our brain injury cases, we work very hard to settle the claim as quickly as possible for as much money as possible. Every time there is an offer on a case, we let our client know what the offer is, whether we think the offer is fair, or whether it is not really enough money for the claim. Ultimately, our client makes the decision on whether or not to take the offer. If the client takes the first offer, regardless of our advice, naturally, the case settles sooner rather than later. If the client rejects the offer, we are prepared to litigate the case through the end to trial and even appeal. We always let our clients make an advised decision on whether or not to settle.



Nonetheless, there are other factors beyond our client's decisions that can affect the length of time a brain injury case takes to settle.

Amongst the factors that can affect the amount of time a brain injury case takes is who is responsible for the injury and whether it is one person or company or multiple people or companies. For example, if it is a two-car accident, and the other driver is at fault, it is a pretty easy claim to prove. If it is a construction accident and there are numerous subcontractors all working at the same time, proving fault may be more complicated, with various parties pointing fingers at each other and no one company wanting to take the lead in negotiations. We have experience having represented thousands of clients and have worked our way through these problems before. We are experienced in looking at alternative routes to get to solutions, including mediation for multimillion-dollar settlements outside of court.

Another issue that sometimes arises is if there are numerous claims for the same accident. We have expertise in handling numerous claims at the same time. For example, in the Costa Concordia shipwreck, we were the main counsel for the victims and settled almost a thousand passenger claims. In other cases, there are different law firms involved, and we cannot negotiate for all the victims. The case can get delayed because we have to wait for other firms to get up to speed.

Negotiations and lawsuits involving traumatic brain injuries can often go longer than other personal injury cases. Brain injury cases tend to take between 18 months and three years to settle.

Why Does It Take So Long to Settle a Traumatic Brain Injury Case?

One reason TBI cases take longer to settle is that it takes time to understand the effects of a brain injury fully. Some brain injuries will improve over time, but more often, they will worsen in the days and weeks following the accident. Time allows a person and his or her family to get a better picture of how a brain injury is going to affect the victim's quality of life before accepting a settlement offer. A TBI can affect physical and cognitive functions and prevent that person from living an independent life. If a brain injury is life-altering, the awarded compensation should cover the full extent of the victim's losses. This could include compensation for Medical bills, a complete life care plan, loss of lifetime earnings, money for pain and suffering, including loss of quality of life, and any spousal claims for loss of normal marital relations and services.



HOW MUCH IS A BRAIN INJURY CASE WORTH?

Every brain injury case is unique, and it is not a good idea to generalize on values. Typically, brain injury cases are, in fact, worth millions and sometimes tens of millions of dollars. Nonetheless, every case needs to be looked at and evaluated carefully by a skilled and experienced brain injury lawyer.



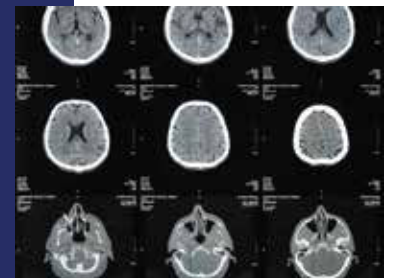
Amongst the factors that can affect the value of a brain injury case are:

- The proof of fault of the responsible parties and the evidence obtained
- The extent that the injury interferes with the day-to-day living of the brain-injured individual
- The age of the injured victim
- The lost earnings because of the brain injury
- The number of medical bills for medical care required to treat the brain injury
- The amount of rehabilitative care to make the life of the brain-injured individual as productive and comfortable living as possible while accommodating symptoms of TBI (traumatic brain injury)
- The cost of future care
- The ongoing need for household assistance and the cost involved in providing that assistance
- Any ongoing need for adaptive devices to provide care as a result of the aging of the brain injury

Another issue that can change the value of a brain injury case is the evidence acquired to prove there is, in fact, a brain injury. There are sophisticated tests that a brain injury lawyer can look at to determine the extent of brain injury. Positive objective test results can change the value of brain injury cases.

These tests include:

- Computerized tomography (CT) scan. This test is usually the first performed in an emergency room for a suspected traumatic brain injury. CT scans can show if there is swelling or bleeding in the brain or a fracture in the skull. If you have signs of a serious injury, a CT scan is usually the best first test to diagnose it.
- Magnetic resonance imaging (MRI). An MRI uses powerful radio waves and magnets to create a detailed view of the brain. An MRI can see subarachnoid hemorrhages, bleeding in the brain, and old parts of brain damage where parts of the brain have basically formed scarring. That will show up on an MRI often. But if it's at the very smallest level, which is called Axon shearing, most of the time, that will not show up.
- Audiology testing can show a hearing loss. Hearing loss often happens in conjunction with other invisible injuries, such as traumatic brain injury or TBI. Hearing and balance issues are often overlooked in polytrauma patients because other visible wounds often take medical priority. Still, hearing loss may mask or confuse the correct diagnosis of other injuries. For example, a TBI patient could be misdiagnosed as unresponsive when hearing loss is present. Given the interconnectedness between hearing loss and other invisible injuries, it's important to understand each condition. Traumatic brain injury is a structural injury and/or physiological disruption of brain function because of external force. Loss of consciousness, memory loss of events surrounding the injury, disorientation, and confusion are all indications of TBI. Hearing loss is often associated with TBI cases, either because the traumatic injury damages the inner ear or because there is damage to the part of the brain that processes sound. An undiagnosed case of hearing loss can interfere with the effectiveness of medical care and rehabilitation for TBI patients. Auditory problems could be mistaken for signs of cognitive deficits attributed directly



to TBI. Factors associated with both hearing loss and TBI, such as attention, cognition, neuronal loss, and noise toxicity, can lead to misdiagnosis. Hearing loss may also exacerbate the social, emotional, and cognitive effects of TBI.

- Neuroophthalmological testing can show vision disturbances for brain injury. TBI can also affect multiple aspects of vision; mild TBI frequently leads to disruptions in visual functioning, while moderate or severe TBI often causes structural lesions. In patients with mild TBI, there might be abnormalities in saccades, pursuit, convergence, accommodation, and vestibulo-ocular reflex. Moderate and severe TBI might additionally lead to ocular motor palsies, optic neuropathies, and orbital pathologies. Vision-based testing is vital in the management of all forms of TBI and provides a sensitive approach for a sideline or post-injury concussion screening.
- Diffusion Tensor Imaging of TBI: Diffusion Tensor Imaging, also known as DTI, is an MRI-based neuroimaging technique that can locate specific brain inconsistencies invisible to a standard computed tomography scan or CT scan. The DTI is designed to more accurately track extant brain abnormalities that arise after a TBI or concussion. A traditional CT scan cannot show microscopic brain damage; therefore, DTI is currently the preferred neuroimaging tool when it comes to evaluating a TBI or concussion.
- Neuropsychological testing; Neuropsychological testing **can help determine the areas of the brain that are impacted by a TBI and how these impairments are impacting your day-to-day functioning.** More importantly, testing can also determine how other factors (e.g., depression, anxiety, life stress) are impacting your cognitive functioning.

An experienced brain injury lawyer can help you to get the necessary testing to show the full extent of your injuries.

Also of importance are the people that you deal with on a day-to-day basis. Witness testimony from friends, neighbors, and coworkers can have a significant contribution to getting the brain injured full and fair compensation for all the injuries sustained.

A brain injury lawyer with skill, compassion, and experience is the best lawyer to represent you on a brain injury case. At Proner and Proner, we are committed to getting you the compensation you deserve. If you or a loved one is considering bringing a claim for a brain injury, please contact us immediately so we can help to get you all the compensation you deserve.



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What Our Clients Say:

This law firm is amazing!!! They provided me with constant updates regarding my case. Everyone that I spoke to was professional and kind. All of them were very knowledgeable in their areas of expertise, and I felt they truly cared about my case. The benefit that they provided for me truly changed my life for the best. I am forever grateful.

Kenneth Powell

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