

CHAIKIN  
SHERMAN  
CAMMARATA  
SIEGEL P.C.

*Attorneys at Law*

## The Brain Injury Edition

*A message from Managing Partner Ira Sherman*



**Ira Sherman**

memory. The plaque was placed at the entryway to the Office of the Director of HHS.

Again, very early in my career, I represented an infant girl who was being held by her dad when their car was broadsided. The knob used to roll down the window went into the child's temple, causing a traumatic brain injury (TBI). Although as the child grew she appeared to be "normal," there was no doubt that

she had suffered a TBI and was different than she would have been. Her parents smartly protected the significant money their daughter received and

had it invested for her until she became an adult.

These and other cases resulted in our dedication to representing individuals who sustained a TBI. Although we represent individuals who have suffered injuries of any kind with the same fervor as we do individuals with brain injuries, we pride ourselves on being one of the few firms in the Washington, D.C. metropolitan area with the highest "AV" rating, and being selected as "Preferred Attorneys" by the Brain Injury Association of America.

The purpose of this newsletter is to reflect on the law firm's decades of experience helping victims of brain injuries. When I began my career with Donald Chaikin in 1980, I had two very different but extraordinarily important cases relating to individuals with brain injuries. A close friend came to me to tell me that his developmentally disabled nephew, a resident of a group home in Maryland, choked on food and suffocated. In that case, his caretaker should have remembered that this individual was only capable of eating puréed foods and could not be counted on to chew his food before swallowing it.

The care-taker was care-less and the client swallowed the piece of sandwich whole and choked to death. Thereafter, the law firm of Chaikin, Sherman, Cammarata & Siegel, P.C., represented 16 developmentally disabled adult wards of the District of Columbia who were residents in the D.C. group home system, who either died or suffered terrible abuse and/or neglect. The justice we obtained for these individuals is a source of pride; the names of many of these clients were permanently placed on a plaque dedicated to their

***We have decades of experience helping victims of brain injuries.***

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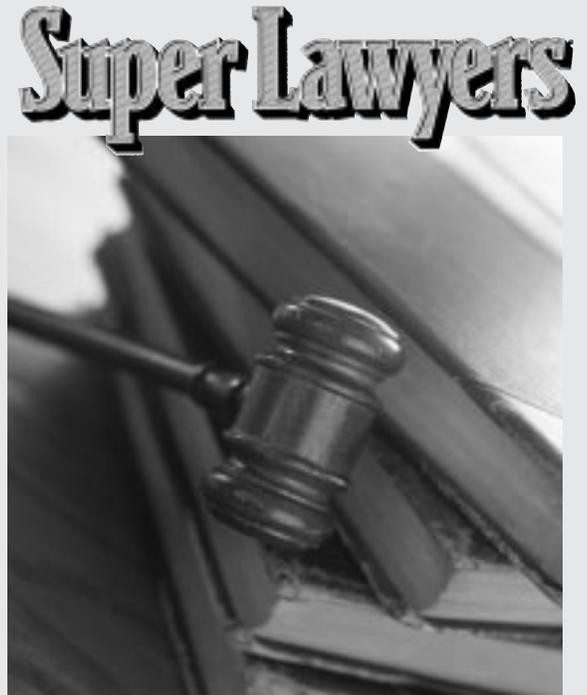
### Practice limited to personal injury

- Free consultation
- Home appointments
- No recovery, No fee.  
We do not get paid  
unless you do.

## PARTNERS NAMED WASHINGTON D.C. 2014 SUPER LAWYERS ASSOCIATE MATTHEW TIEVSKY NAMED RISING STAR

Partners **Ira Sherman, Joseph Cammarata,** and **Allan Siegel** were each selected to the 2014 *Washington D.C. Super Lawyers* list. This is the fourth consecutive year that all three partners have been given this prestigious honor. Only 5 percent of attorneys in the Washington, D.C., area are named to this elite list. In addition, this is the third consecutive year that partner Joseph Cammarata was named one of the **top 100 Super Lawyers**, which is a distinction reserved for attorneys who receive the highest point totals during the *Super Lawyers*® nomination, research, and review process.

We are also proud to announce that Associate **Matthew Tievsky** made the *Super Lawyers Rising Stars* list for the first time. The *Super Lawyers* lists were included in the April 27, 2014, edition of the *The Washington Post Magazine*. In case you did not see it, we have included with this newsletter a copy of the checklist that was included in the magazine, which you can give to a friend or family member in need of an attorney—**why hire anyone else?**



## PARTNER JOSEPH CAMMARATA DRAFTS CONCUSSION LEGISLATION TO PROTECT STUDENT ATHLETES

There has been much publicity recently over the dangers associated with sustaining a concussion, which include cognitive problems, personality changes, and even death. A concussion is a brain injury. The ability to identify what a concussion is, its signs and symptoms, and how to “treat” a concussion are vital to appropriate prevention and treatment of a concussion.

This is especially so when children are concerned. Youth athletes (age 18 or younger) playing sports, through school or youth leagues, are particularly vulnerable to the harmful effects of a concussion, either due to a failure to identify a concussion or returning to practice or play prematurely.

Partner **Joseph Cammarata** recognized the dangers facing youth athletes and drafted legislation, which eventually became law in the District of Columbia, to protect youth athletes. The law is called the Athletic Concussion Protection Act of 2011 and applies to all youth athletes participating in an athletic activity (including gym class) in public, private, or charter schools, and youth leagues.

According to the law, any youth athlete suspected of having a concussion is to be immediately removed from practice or play and not returned to practice or play until cleared by a licensed healthcare provider. The law also requires mandatory training of coaching and school staff, parents/guardians, and the youth athlete before being allowed to coach or participate in an athletic activity.

The Act has not yet been implemented because the District of Columbia Department of Health has not completed its work on regulations concerning the required training of school coaches and staff. It is expected that the regulations will be finalized soon.





The law firm has had significant experience in representing athletes, and students involved in school activities, who suffer injury during the course of practice or play.

For example, Partner **Joseph Cammarata** represented a sports scholarship Division 1 college student who suffered a concussion during an indoor softball practice. The student was told by her coach that the coach was going to be doing a bunting drill. The coach, distracted by a phone call on her Bluetooth device, lost focus of it being a bunting drill and hit a line drive at the student, causing the student to be hit in the head with the softball. The student, who had suffered many concussions in the past, suffered another one. She developed a permanent migraine headache as a result of her head injury, which

resulted in an inability to concentrate, and is suffering from depression due to her chronic

pain. The student could not return to play on the team and was forced to leave the school because she could not keep up academically.

In another case, we represented three then-high school students who each suffered a concussion as a result of an improperly organized football practice that caused two groups of receivers and defenders to collide at midfield.

The practice was part of an elite skills showcase for high school athletes organized by an individual in conjunction with Riddell Sports. One boy suffered a brain bleed and skull fracture, resulting in permanent cognitive impairments and rendering him

permanently unable to participate in contact sports. The other boys each suffered a concussion and still suffer some effects from their injuries.

We also represent the mother of a teenager who suffered a concussion in her high school gym class. As a result of having sustained a concussion, she was under strict instructions not to participate in any activities that could cause her to be hit in the head, since she was more susceptible to a second concussion, the symptoms of which would likely be much worse than the original concussion. The school had specific instructions to not allow her to participate in gym class if an activity had a risk of a head injury. A substitute teacher, who was not aware of the instructions, allowed the children to have "free gym," where they could do anything they wanted. Many of the children were playing with balls, which were flying around the gym. Our client asked to be excused, but the substitute teacher did not allow it. Our client was subsequently hit in the head by a ball and suffered a serious concussion.

Finally, we represent Bryan Namoff, a star professional soccer player who played on D.C. United. Mr. Namoff was hit during a game in September 2009 and suffered a concussion. D.C. United returned him to play three days later, even though he had not fully recovered from the concussion. Following the game, his concussion symptoms worsened. He could not focus or concentrate and had excruciating headaches. He is permanently disabled. Partner Joseph Cammarata represents Mr. Namoff in a pending lawsuit against D.C. United and their coach, athletic trainer, and team physician.

If you believe that an organization like a high school, university, or even a professional sports team failed to protect an athlete, please do not hesitate to contact the law firm.

# Partners Joseph Cammarata and Ira Sherman establish Brain Injury Association of the District of Columbia

The attorneys of the law firm have spent a considerable number of years representing individuals who have sustained traumatic brain injury through no fault of their own. Partners **Ira Sherman** and **Joseph Cammarata** decided to give back to the community by participating in the work of the Brain Injury Association of America (BIAA). The mission of the BIAA is to advance brain injury prevention, research, treatment, and education, and to improve the quality of life for all people affected by brain injury.

Mr. Cammarata determined that, remarkably, BIAA did not have an affiliate chapter in the District of Columbia. As a result, Mr. Cammarata and Mr. Sherman formed the Brain Injury Association of D.C. (BIADC). Mr. Cammarata and

Mr. Sherman serve as President and Vice President, respectively, of the BIADC.

Since its foundation in 2007, the BIADC has been working to educate the public about traumatic brain injury, and has formed a support group to help brain injury survivors and their family cope with the debilitating effects of a brain injury. The support group meets the third Wednesday of every month at the National Rehabilitation Hospital in Washington, D.C.

In addition, the BIADC will work with the District of Columbia Department of Health to introduce the Athletic Concussion Protection Act of 2011 to the public and ensure its effective implementation.

## We are your law firm

We want you to think of us as your law firm.

If you have legal matters that need attention, please let us know. If we cannot handle the matter, we will refer you to a competent firm that can.

Please feel free to refer us to your family, friends, and neighbors for their legal needs. We welcome the opportunity to help.

**Call us. You're going to feel a whole lot better about things.**

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## IRA SHERMAN ELECTED TREASURER OF THE BRAIN INJURY ASSOCIATION OF AMERICA

The Board of Directors of the Brain Injury Association of America elected our partner, **Ira Sherman**, to serve as Treasurer of the organization for a term of one year. We are very proud that Mr. Sherman was chosen for this position. It is our goal to serve the community of individuals with traumatic brain injury both as their advocates in the courtroom as well as in the organization that represents them.



**BRAIN INJURY  
ASSOCIATION  
OF AMERICA**