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HEADLINER

Winter 2009
Vol. XI Issue 1

The Newsletter of the Brain Injury Association of Oregon

In An Instant - A Road Less Traveled

On an evening in May 2006, my husband Russ was out for a training ride on his bicycle when he was hit by a Jeep Wrangler driven by a young man who was talking on his cell phone. Russ sustained a TBI and subsequently had three major surgeries - two craniotomies and a cholecystectomy (removal of his gallbladder). He was in a coma for three weeks and in ICU for almost five weeks. He then spent nearly six weeks in an inpatient rehab setting at another hospital. I kept a journal at my sister Joan's suggestion and that turned out to be a lifesaver for me. I received great support from my family, co-workers, Russ's family and hospital staff during this time. From rehab Russ went to foster care because I had returned to work and could not meet all his needs. He was extremely impulsive, and a high fall risk at that time.

He came home in November of that year and by then I could see that I could take him to Sacramento for Thanksgiving with his family. Slowly, and I emphasize slowly, our lives began to take on a new shape. Russ had to resign his position as a social worker with Children Services Division (State of Oregon) and that has been one of the most difficult things to accept. He had worked hard since he was a teenager, was a single parent for many years, and this certainly wasn't the way we thought his retirement would look. He now exercises

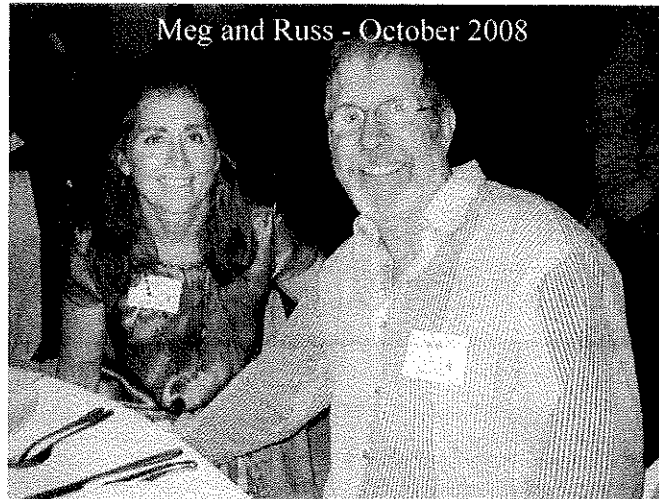
regularly, drives, rides his bike and volunteers at an agency that helps foster children. Russ is also active in the local brain injury support group here in Medford.

Another sister, Jane, an attorney herself, helped me decide to hire Ray Thomas as counsel in the inevitable lawsuit. He discovered that the driver and his parents were underinsured relative to the damage caused - the limits of liability were a fraction of Russ's medical costs (as of 18 months post accident). Because compensation is a major part of most lawsuits, this was foremost in our thoughts at the beginning. But over time, apart from the money, I began to feel a need to do something that

might help the young driver understand what he had done and how his actions had affected people's lives. Nothing in the chain of events so far had provided this. The district attorney had decided that criminal charges would not be brought and the driver was given two traffic tickets totaling less than \$200. I think his mother paid those fines.

Eventually, Russ himself made a suggestion to our lawyer that became part of the lawsuit's resolution. That part requires that the driver pay BIAOR \$50 per month for 60 months. It specifies that he write a check each month, so that the amount cannot

be paid annually or in a lump sum, and that was specified in hopes of giving the driver opportunity to think about and hopefully come to terms with the consequences of his actions. I see this as a chance for the driver to learn about brain injury and maybe make a contribution in that field, but that is his choice. For Russ and for me, this particular aspect of the lawsuit has as much meaning as any amount of money could have.



Meg and Russ - October 2008

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