Youth Sports and Head Injuries:

The statistics on head injuries that our children sustain while participating in sports and athletic activities are alarming. According to the Centers for Disease Control and Prevention (CDC), more than 2.6 million U.S. children are treated in emergency departments for sports- and recreation-related activities every year, and an average of 6.5% of these emergency room visits are for traumatic brain injuries, such as concussions. A more distressing fact, however, is that the number of annual emergency room visits for concussions in children aged 8-19 doubled from 1997 to 2007 even though participation in youth sports has declined. It is estimated that between 2005 and 2008, approximately 400,000 high school athletes suffered from concussions. The majority of concussions in the U.S. are sustained by football players, but other sports such as soccer, basketball, and baseball also see a high frequency of brain injuries. Tragically, in 2010 and 2011, 120 children died of their various sports-related injuries, and many of those deaths were almost certainly preventable.

“Second-impact syndrome” (SIS) is a rare but preventable condition with catastrophic effects, including rapid swelling of the brain that can lead to death within 2-5 minutes of impact. SIS occurs when an athlete sustains an impact to the head, chest, or neck too soon after enduring a first concussion. Because the brain is already damaged after one concussion, a second minimal impact can disrupt the body’s ability to regulate pressure in the skull, which compounds the damage from the initial concussion and can quickly cause cranial pressure buildup and severe brain swelling. While most individual concussions do not
cause any lasting damage, the American Association of Neurological Surgeons warns: “A second concussion soon after the first one, however, does not have to be very strong for its effects to be deadly or permanently disabling.”

Even though there are differences between the guidelines on the exact amount of time an athlete should sit out, it is crucial that concussion symptoms should not be ignored or downplayed. Contrary to what many believe, a concussion does not necessarily involve a loss of consciousness. A recent study found that only 5% of high school athletes reported losing consciousness as a result of a concussion. Far more common symptoms include headache, dizziness, difficulty concentrating, and confusion. Training and information on these symptoms are readily available to youth sports coaches through the CDC, the AAN, and other organizations. Most concussions do not cause permanent damage if symptoms are recognized early and athletes are allowed sufficient time to heal. Studies have shown, however, that enduring just one concussion increases the risk of additional concussions by 3-6 times for football players and 4-6 times for soccer players.

Despite the clear warnings about SIS and the dangers of sustaining multiple concussions, many coaches ignore symptoms and return players to the game too quickly. A recent study found that as many as 40% of injured athletes failed to follow the AAN guidelines, and likewise 15% completely ignored the Prague guidelines. Perhaps even more startling is the coaches’ lack of education on their players’ head injuries: 42% incorrectly believe that a concussion occurs only when there is a loss of consciousness, and 25% would allow an athlete to return to the game even if the player is showing signs of having a concussion. Since 58% of high school athletes do not have on-site access to sports medicine professionals, coaches are often making return-to-play decisions based on their own drastically incorrect beliefs. Studies have also revealed that more than 15% of high school football players’ coaches blatantly ignore the warnings and allow their player to return to the field on the same day that he or she experiences a concussion involving a loss of consciousness.
Beginning with the 2010-2011 school year, the National Federation of State High School Associations implemented a rule that requires coaches to remove any player demonstrating signs of a concussion from the game immediately. The rule also mandates that players will not be allowed to play until cleared by a licensed physician or a certified athletic trainer working with a physician. The Illinois High School Association (IHSA) further requires schools to adopt policies regarding concussion management and to educate their coaches and athletes about head injuries. Illinois law requires school boards to comply with the IHSA, and a number of other states have also passed laws similar to Illinois’. Although the IHSA and related state laws do not necessarily apply to non-school sports teams, individual organizations may also promulgate their own standards and policies that their coaches are expected to comply with.

While these rules, laws, and policies are a step in the right direction, standing alone they will not solve the problem. They rely entirely on individual schools and organizations to develop and implement concussion management policies, and they presume that coaches and other personnel will follow the rules. When the rules are bent (or completely ignored) to allow a concussed player to return prematurely to the field, however, the consequences can be serious. Those responsible for the athlete’s resulting injuries must be held liable, even if the athlete begged his or her coach to be put back in the competition. It is the coach’s decision, not the player’s, to allow team members to play in a game or participate in practice.

Sports injury cases of this nature, admittedly, can be difficult to win. Defenses such as assumption of risk and comparative fault may be fatal to a claim if the correct arguments are not raised in response. For example, the school could argue that the athlete voluntarily re-joined the game, but this assertion completely ignores the duties that coaches owe to protect our children from preventable harm. If the organization responsible is a public school, an even tougher barrier to success will be the state’s sovereign immunity statutes, which can severely limit or totally prohibit claims against state actors depending on the circumstances. Depending on the facts, however, there might be ways to get around sovereign immunity statutes or to argue that they do not apply to specific cases. Even if the claim is not against a public school, some state laws provide immunity from lawsuits to some individuals who take certain steps after they suspect an athlete has sustained a concussion. Careful legal research will be needed to uncover the specific rules and laws that apply to each unique case.

![Prevalence of Concussion Symptoms, by percentage](image)

Gathering evidence to prepare a child’s sports injury case for trial is also challenging. The judge and/or jury needs to understand what happened, when and where it happened, and who was involved. This requires victims to locate witnesses, interview them thoroughly, and have them testify in court. Photos, videos, and other documentation must be gathered to give the court as much information as possible regarding the circumstances of the incident. The injured athlete also has to prove that he or she sustained an injury and, more importantly, that the school, organization, coach, or other staff personnel caused that injury. Evidence of the injury itself may include lengthy medical records, doctors’ testimony, school forms documenting the injury, and the results of various medical tests. Proof of causation requires uncovering all of the intricate details of the incident (especially in cases involving multiple concussions) to understand the nature and extent of the injury caused by each collision, fall, tackle, etc. To do this, various medical experts may need to be consulted, deposed, and brought to court to testify. Depending on the incident and the extent of the injuries, other miscellaneous evidence such as neurological exam results, school board policies, safety equipment that was worn, and the testimony of other coaches or athletes may be required. Additionally, it might be possible to bring multiple claims against multiple parties together in one lawsuit, and each claim would involve its own unique issues and would require its own separate proof.

Of course, each claim is unique, and it is impossible to list here what specific pieces of evidence any one case will require. One thing is certain, though: sports injury and concussion mismanagement cases are incredibly intricate. Because of this complexity, it is imperative that injured children and their parents seek the assistance of a law firm equipped to handle their case. The attorneys at Romanucci & Blandin, LLC, have decades of experience in personal injury litigation and are very sensitive to the numerous issues surrounding children’s still-developing bodies and minds. Their attorneys will relentlessly fight to ensure that injured children are fully compensated for carelessly being put in harm’s way by negligent coaches, schools, doctors, and athletic organizations. No concussion or childhood injury should ever be taken lightly, and when athletes are needlessly hurt because they were expected to simply “take one for the team,” those children deserve only the best and most well-prepared attorneys fighting on their behalf. Romanucci & Blandin, LLC, is ready to take on any battle, in or out of court, in order to make sure our injured children get the justice and compensation that they are entitled to.

With the assistance of Angela Kurtz
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Brey, Robin. “Concussion is Serious: No one should be asked to “Take one for the team.”” Neurology Now, Feb/March 2011; 7(1): 5. Web. 26 Sept 2012


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