

## THE LEGAL OUTLOOK

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“It was one of those March days when the sun shines hot and the wind blows cold: when it is summer in the light, and winter in the shade.”

Charles Dickens

## Founder, Joseph L. Messa, Jr., named to 2017 New Jersey Super Lawyers list



Messa & Associates, P.C. is pleased to announce that firm founder, Joseph L. Messa, Jr., has been named to the 2017 New Jersey Super Lawyers list. Each year, no more

than five percent of the attorneys in the state are selected by Super Lawyers to receive this distinction.

*“It is a great honor to be recognized in the state of New Jersey for the work I do for clients.”* said Joseph Messa. *“My work, and the work of the all of the attorneys and staff at Messa & Associates, reflects our driving desire to speak up and fight for those who can’t fight for themselves.”*

This is Mr. Messa’s first selection to the New Jersey Super Lawyers list. He has been named to the Pennsylvania Super Lawyers list for nine consecu-

tive years, also earning the distinction of Top 100 in both Philadelphia and Pennsylvania for five of those nine years.

Super Lawyers, a Thomson Reuters business, is a rating service of outstanding lawyers from more than 70 practice areas who have attained a high degree of peer recognition and professional achievement. The annual selections are made using a rigorous multi-phased process that includes a statewide survey of lawyers, an independent research evaluation of candidates and peer reviews by practice area.





## Groen and Kwak named by The National Trial Lawyers as Top 40 Under 40.



Justin L. Groen and Megan M. Kwak join the ranks of young Messa & Associates attorneys who have been named by *The National Trial Lawyers* to a list of the **Top 40 Under 40**. In November, the firm announced the selection of Ray Arreola and Angelo Theodosopoulos to **Top 40 under 40**, and just last week, an announcement was made for the selection of Justin Groen and Megan Kwak. This selection marks a first for Ms. Kwak, who is only 29 years old.

According to The National Trial Lawyers, membership into this prestigious group is by invitation only and is extended to those attorneys who exemplify “superior qualifications, trial results, and leadership...based on uniformly applied criteria.”

The National Trial Lawyers is a professional organization composed of the premier trial lawyers from across the country who exemplify superior qualifications as civil plaintiff or criminal defense trial lawyers. This national organization provides networking opportunities, advocacy training, and the highest quality educational programs for trial lawyers.

**Congratulations Justin and Megan!**

### FLYERS TICKET GIVEAWAY!

Messa & Associates gave away 2 Flyers tickets in a Facebook Selfie Contest last week and received 35 excellent submissions! Contestants commented on a Facebook post with a photo showing their Flyers pride. A panel of voters at the firm chose Gerald Scheel as the winner of the tickets and Gerald attended the game on Sunday, March 19, when the Flyers beat the Carolina Hurricanes in overtime! Check out Gerald’s winning photo to the left and a photo from the game to the right!



## RECALL REPORT: 2012 NISSAN VERSA

Nissan is recalling 54,751 2012 VERSAs because of a defect with the side-impact sensor that could potentially cause airbags to deploy unexpectedly. According to the National Highway Traffic Safety Administration, something as simple as slamming the door could cause a sensor connector pin to release the driver-side curtain or seat-mounted airbag, potentially causing serious injury or death. Affected consumers can take their car to their Nissan dealer, who will install a new jumper harness and replace the side-impact sensors. Recall repairs will be performed free of charge.

Consumers can contact Nissan at 800-647-7261 with additional questions or concerns.



# The Subtleties of Traumatic Brain Injury

Crafting a compelling argument for the devastating effects of TBI when an injury victim *seems* normal requires a skilled and experienced personal injury attorney.

■ By Jenimae Almquist

**B**y definition, a traumatic brain injury (or “TBI”) occurs whenever an external non-medical force causes any type of brain dysfunction. Even some medical providers have difficulty diagnosing and treating such injuries, although the controversy surrounding athletic concussions has sparked more research and better understanding of TBIs. As a victim of personal injury involving a TBI, you must first overcome the challenge of misinformation, and then have skilled attorneys who can present your symptoms in such a way that a jury can appreciate them.

Contrary to popular misconceptions, a loss of consciousness is not a mandatory prerequisite for diagnosing a TBI. Likewise, symptoms of TBI may be present even in the absence of abnormal findings on brain radiology studies (such as CT scans and MRIs). In fact, a head injury patient may not even be offered scans at the emergency room, yet may experience temporary to permanent symptoms of brain compromise. Common TBI symptoms include;

- Fatigue, difficulty sleeping, somnolence (sleeping more than usual)
- Dizziness, loss of balance, nausea, vomiting
- Blurred vision, light sensitivity
- Ringing in the ears, headaches
- Cognitive problems such as memory impairment, poor concentration, altered speech patterns
- Mood swings, depression, irritability, frustration

In a client who can communicate normally and has no outward signs of physical trauma, your attorneys must adopt a creative approach to convey the full extent of your limitations to a jury. Many of the symptoms of a TBI also relate to other, less ominous conditions, and defendants may argue that they are “subjective” symptoms that lack proof. However, your subjective reality is as concrete as any other form of damage, particularly if your attorneys know how to present a TBI

case. Most clients will not have ever had a battery of tests to determine your pre-incident baseline and abilities, and thus the changes must be demonstrated using different tools.

As just one example, your attorney may ask you to keep a diary of symptoms, and may also rely heavily upon the testimony of loved ones who are better able to recognize and explain mood swings, memory difficulties, and frequent headaches or dizziness. If the patient regularly exhibited high function in the workplace, a supervisor or co-worker can offer insights into timing and nature of TBI-related changes.

At the same time, audiovisual charts and summaries can present the daily impact of losing the ability to perform routine tasks. While you and your family may be struggling with denial and coping mechanisms, the medical records must fully demonstrate the lifestyle changes that have arisen from a TBI. Without accurate symptoms recorded by the treating physicians, much of this information may be lost. One of your attorney’s many jobs is to help you see that reporting your ongoing symptoms is not whining or exaggerating, even if it is not your typical personality to complain or describe your feelings.

At Messa and Associates, we also call upon seasoned experts such as neurologists, neurosurgeons, physical medicine and rehabilitation physicians (called physiatrists), mental health professionals, and neuropsychologists to write reports and testify at trial. These professionals can offer explanations as to how the brain cells react to trauma, as well as the full array of subtle and more pronounced effects upon a patient.

In both Pennsylvania and New Jersey, most types of personal injury claims include the right to be fully compensated for the loss of life’s pleasures, mental anguish, and physical changes. Whether you suffered a minor concussion along with other more serious injuries, or have experienced a severe brain injury from a fall or car accident, we strive to record and present a full picture of your damages to the jury to maximize your recovery.



# AROUND THE OFFICE



On March 14th and 16th, Joe Messa spoke at the **American Academy of Orthopaedic Surgeons Annual Meeting** in San Diego, CA, leading two presentations involving the prevalence of medical errors and how communication is key in preventing them.



On March 5th, secretary Dana M. Gallo celebrated her Bridal Shower at *Positano Coast!* Dana is set to be married in Haddonfield, New Jersey on May 6th of this year. The big day is on its way! Good luck and best wishes to Dana and her fiancé ❤️



March is a BIG month for birthdays at Messa & Associates! Wishing a great day to Angela Leone (16th), Tom Sweeney (16th), Adriana Mendoza (19th), Joe Messa (24th), Suzanne dePillis (27th), and Rich Heleniak (30th). Best wishes for a prosperous year!

## MAIN LOCATIONS

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## SATELLITE LOCATIONS

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Philadelphia, PA 19144  
P: 215-844-1614

PITTSBURGH  
309 Wyoming Ave  
Pittsburgh, PA 15222  
P: 724-783-0800

CONSHOHOCKEN  
923 Fayette St.  
Conshohocken, PA 19246  
P: 215-940-7700

LINWOOD  
605 New Road  
Linwood, NJ 08221  
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520 West First Ave  
Roselle, NJ 07203  
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475 White Horse Pike  
Collingswood, NJ 08107  
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