



## Getting to Know Concussion Lawyer Steven Pachman

Steven Pachman is a partner in the Litigation Department at Montgomery McCracken Walker & Rhoads LLP, where he has represented individuals and school systems in sports injury cases arising out of alleged premature return-to-play decisions and other negligence theories.

Given that background, *Concussion Litigation Reporter* sought him out for an exclusive interview.

**Question:** *When did you know you want to practice law? And why did you decide to practice law?*

**Answer:** I took an “Introduction to Law” course my junior year in college at the University of Maryland, College Park. My professor was impressed with my work, and suggested that I try out for the university’s prestigious mock trial team. I not only made the school’s team, but I ultimately was selected as a member of the specific team that went on to compete in the Finals Round and won the American Mock Trial Association Championship in Des Moines, Iowa. I had such a positive experience that I decided that I wanted to eventually become a litigator and so I applied to law school. After graduation, I started practicing law in Philadelphia, where I still practice 19 years later.

**Q:** *What do you like most about being a defense lawyer?*

**A:** What I have enjoyed most about defending “concussion” cases, in particular, is that they have given me an opportunity to meet, work with, and help educate a wonderful group of new clients – namely health care providers, such as athletic trainers and physicians – who share my love for sports. They are a special group of people who don’t necessarily generate the largest of incomes but love what they do, truly care about the health and safety of their players, and want to get even better in terms of the quality of care that they provide to their athletes. These cases are fascinating, as well. Many involve the complexities of the brain and other challenging medical and scientific issues which then often bring in various disciplines such as biomechanics.

**Q:** *Is the concussion issue waning? Do you believe the litigation will be dying down going forward?*

**A:** The issue is not waning by any means. Until the “standard of care” becomes clearer, lawsuits will continue. A new soccer class action was recently filed. What is

the next sport to be subjected to a class action lawsuit? In terms of individual concussion cases, they will become even more popular. In the event of a catastrophic outcome in the sports context, a lawsuit is nearly guaranteed, especially with so many unanswered questions that remain in the concussion world, such as “Are schools required to employ a full-time athletic trainer?,” “Is pre-season neurological baseline testing required of all athletes?,” and “What specific ‘concussion education’ is required of athletes?”

**Q:** *Do you feel like school districts and athletic department officials are being unfairly targeted with litigation? In what respect?*

**A:** Not always. If a player is truly returned to play when that player is symptomatic from a head injury, and that player then suffers a resultant injury, someone likely acted in a negligent matter. But some sports, such as football, present serious risks the moment the player steps foot on the field, regardless of the situation. And simply because a player is injured should not mean that someone, other than the player, must be held accountable. Indeed, the players have responsibilities of their own, including reporting their symptoms honestly and promptly, and also reporting other players to the medical staff if those players are concealing their injuries.

**Q:** *Are there any silver linings with the concussion litigation?*

**A:** I have seen firsthand benefits flowing from concussion litigation. The cases not only are causing all health care providers to become more educated about concussions but are causing players to do a better job of being more forthcoming about their symptoms. Albeit slowly, the cases also are making contact sports safer and, in the years to come, will make them even safer than today.



**Steven Pachman**

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