

How Traumatic Brain Injuries Are Proven in Florida Accident Claims

A Palm Beach County lawyer explains what it takes to build a strong case

Traumatic brain injuries (TBIs) are among the most disruptive injuries a person can suffer after an accident. They affect memory, judgment, emotional control, and the ability to work or function independently. Yet they are also among the most frequently challenged injuries in Florida accident claims, including in Palm Beach County.

Unlike fractures or visible trauma, traumatic brain injuries are not always obvious in the emergency room. Symptoms may emerge slowly or worsen over time. Many victims are told they are “lucky” to have walked away, only to discover later that their life has changed in fundamental ways. That delay often becomes a legal obstacle when insurers begin questioning whether the injury exists at all.

Proving a traumatic brain injury in a Florida accident claim requires structure. It requires understanding how these injuries occur, what evidence matters, how long-term impairment is documented, and how compensation is calculated. For those in Palm Beach Gardens and surrounding communities, working with a [Palm Beach Gardens head injury lawyer](#) is often the difference between an undervalued claim and a full recovery.

How traumatic brain injuries commonly occur in Florida accidents

Traumatic brain injuries occur when the brain is disrupted by force. That force does not always involve a direct blow to the head. Sudden acceleration, deceleration, or rotational movement can cause the brain to move within the skull, damaging tissue and neural connections.

Certain types of accidents are especially likely to produce brain injuries because of the forces involved. Understanding how the injury occurred helps establish causation and explains why symptoms developed even when external injuries appear minor.

Common accident scenarios that lead to traumatic brain injuries include:

- [Rear-end collisions](#): Sudden forward and backward movement can cause the brain to shift violently, resulting in concussions or more severe injury.
- [Side-impact crashes](#): Rotational forces in intersection crashes often cause deep brain trauma that is not immediately visible.
- [Truck and commercial vehicle accidents](#): The weight and speed of commercial vehicles dramatically increase the force transferred to the brain.
- [Motorcycle and bicycle accidents](#): Even with protective gear, riders are vulnerable to head trauma due to limited physical protection.

- **Pedestrian accidents**: Being struck by a vehicle and thrown to the ground commonly results in head and brain injuries.

These accident mechanics often explain why imaging may initially appear normal while symptoms progress. A lawyer experienced in brain injury claims understands how to connect crash dynamics to neurological injury and why that connection matters when liability and compensation are disputed.

The evidence required to prove a traumatic brain injury

Brain injury claims succeed or fail based on evidence. Insurers routinely challenge TBIs by arguing that symptoms are subjective, temporary, or unrelated to the accident. Overcoming those arguments requires layered medical proof that demonstrates injury, causation, and impact.

No single test proves a traumatic brain injury on its own. Strong cases rely on multiple forms of documentation that support one another and create a clear narrative of injury progression.

Key forms of evidence commonly used include:

- **Emergency and follow-up medical records**: These establish timing, symptom development, and consistency of complaints.
- **CT scans and MRI imaging**: CT scans detect bleeding or swelling early. MRI scans may later reveal more subtle structural damage.
- **Neuropsychological evaluations**: These tests measure memory, attention, processing speed, executive function, and emotional control.
- **Neurology and specialist reports**: Medical opinions establish diagnosis, prognosis, and permanence.
- **Functional assessments**: Occupational and rehabilitation evaluations show how the injury affects daily living and work ability.

Gathering and coordinating this evidence takes time and legal experience. When documentation is incomplete or poorly framed, insurers use those gaps to devalue claims. Legal guidance ensures the right evidence is obtained early and presented in a way that supports full compensation.

Florida's permanent injury threshold and brain injury claims

Florida law places limits on when accident victims can recover non-economic damages such as pain and suffering. To pursue those damages, an injured person must meet the serious injury threshold, which includes permanent injury within a reasonable degree of medical probability.

Traumatic brain injuries often meet this threshold, but only when properly documented. Medical records must address permanence, not just diagnosis. Treating physicians must be able to state that cognitive or neurological impairment is lasting.

Without meeting this threshold, even serious brain injury cases may be restricted to limited benefits. A lawyer familiar with Florida's injury standards knows how to work with medical providers to ensure documentation addresses the legal requirements, not just clinical treatment.

Long-term impairment and the services brain injury victims need

Traumatic brain injuries frequently result in long-term or permanent impairment. Recovery is rarely linear, and many victims never return to their pre-accident level of function. These realities must be reflected in any compensation claim.

Brain injury victims often require ongoing services long after initial treatment ends. Those needs are not always obvious in early medical records, which is why careful documentation is critical.

Common long-term services and supports include:

- **Cognitive rehabilitation therapy:** To address memory, attention, and executive functioning deficits.
- **Speech and language therapy:** For communication and processing difficulties.
- **Occupational and physical therapy:** To restore daily functioning and independence.
- **Mental health treatment:** For depression, anxiety, personality changes, or emotional instability.
- **In-home assistance or supervision:** For individuals who cannot safely live independently.
- **Vocational rehabilitation:** When returning to previous employment is no longer possible.

Compensation must account for both current and future needs. Life care planning and vocational evaluations are often necessary to quantify these losses accurately. An experienced lawyer ensures these services are identified, documented, and incorporated into the claim so victims are not left paying out of pocket later.

Common defense tactics used in brain injury claims

Insurance companies approach brain injury claims with skepticism by design. These cases often involve significant financial exposure, which leads insurers to search for ways to minimize or deny liability.

Common defense arguments include claims that imaging is normal, symptoms are exaggerated, or cognitive issues stem from stress or pre-existing conditions. Others focus on delayed diagnosis or short emergency room visits to suggest the injury was minor.

These tactics are effective when claims are poorly supported. Legal experience matters because it allows these defenses to be anticipated and neutralized through medical evidence, expert testimony, and consistent documentation.

Let The Law Offices of Casey D. Shomo build your brain injury case

Proving a traumatic brain injury is not something an injured person should face alone. These cases demand coordination between neurologists, imaging specialists, rehabilitation experts, and insurers. For someone recovering from cognitive damage, that burden can be impossible.

[The Law Offices of Casey D. Shomo, P.A.](#), handles every element of the claim, from evidence collection and expert collaboration to insurance negotiations and legal strategy. This work happens behind the scenes so clients can focus on the things that matter most: treatment, family, and recovery.

With [over \\$85 million recovered](#) for Florida injury victims, including results like a \$1.5 million TBI settlement and a \$2.25 million wrongful death recovery, our legal team knows what it takes to win serious cases.

If you or someone you love sustained a serious head injury in a Florida accident, [contact us](#) for a free consultation. There is no fee unless we win. When your life has been changed by a head injury, the right legal team gives you the power to move forward with confidence.