

Brain Injuries: Metal vs Wooden Baseball Bats
Guest: Attorney Tony Romanucci
Co-host: Mike Casey

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Now join Ringler Radio Host Larry Cohen.

COHEN: Well, hello everyone and welcome again to Ringler Radio. I'm your host Larry Cohen, the head of Ringler Associates Northeast Operations. And in case you're a first time listener, you should know that every Ringler Radio show can be downloaded from our website Ringlerassociates.com, or from the Legaltalknetwork.com.

Well, today we're coming to you from the 2008, AHA Annual Convention, located this year in the heart of Philadelphia, which around here they call Center City. And the convention is taking place from July 12 to July 16. If you haven't been to Philadelphia lately, it's really had a renaissance and it's really a terrific and a beautiful city.

Well, joining me today is my colleague Mike Casey. Mike, who has recently been appointed Chairmen of the Board of Directors of Ringler. Congratulations, Mike. And he's in charge, also, of our Midwestern Operations, from his office in Chicago, Illinois. Mike has more than 30 years of claims and structured settlement experience. I've known him for years. Welcome to the show, Mike.

CASEY: Thank you, Larry. Thank you for the kind words.

Larry, before we go farther, we're going to have a very interesting show today, I wanted to share a little with our Ringler listening audience about the voice of Ringler Radio, Larry Cohen. Larry and I have been friends for 25 years, and Larry has always generously donated his time to Ringler Radio, we're going on four years now in existence. It has been a great success, largely because of Larry.

Larry has, in case you didn't know, has been one of the foundation stones on which we built Ringler Associates. And that's – he's how we became as successful as we've been in the industry. Larry's been a leading producer at Ringler, leading producer in all of our structured settlement industry so many years it's too hard to count.

And on behalf of Ringler Associates, on behalf of the whole industry, and my – and Larry, from my personal friendship with you for 25 years, I just want to thank you for everything you've done for us.

COHEN: Thank you, Mike. Thank you, Mike. Just as I wrote it, terrific, fantastic. (laughter). Well, that was special, Mike, I appreciate it.

Well, today on Ringler Radio we'll be discussing an interesting topic, traumatic brain injuries. But instead of the typical way that many of these injuries take place, we're going to be talking about a more controversial issue that has led to some serious injuries. And that's the use of aluminum bats in the game of baseball. And here as we sit around the All Star break, baseball's on everybody's mind. And it's America's past time. And it's mostly equated with good old fashioned fun. But in recent years there've been a number of some serious brain injuries, troubling things, that have stemmed from the use of aluminum bats in baseball games from the Little League on up.

And our special guest today will be discussing whether some real life cases, his efforts to pass a bill in his home state to exclude aluminum bats from baseball games, and really look ahead at what is being done to make baseball safer on the baseball diamond for all of us.

Our guest, special guest, who's here to do all that is Attorney Tony Romanucci the founding principal and partner in Romanucci and Blandin, LLC from Chicago, Illinois. Since 1987, Tony has practiced solely in civil litigation, concentrating in serious personal injury, wrongful death and worker's compensation claims. He has successfully tried numerous civil jury trials, and has handled arbitration and compensation claims on behalf of his clients. Obtaining literally tens of millions of dollars in recoveries.

Welcome to the show, Tony. And it sounds like you should be playing ball for the Chicago Cubs or something. Like a short stop, that name is great.

ROMANUCCI: You can put me in any position on that field, I'll be happy. It doesn't matter.

COHEN: Well, because they're winning this year. Mike also is from Chicago, so they're coming in here with a big smile on their face.

Well, let's kick off the show by telling us a little bit about your firm, Tony, and what you specialize in.

ROMANUCCI: At our firm, Romanucci & Blandin, we've been around 11 years now. And our particular niche in Chicago is really helping people who've suffered catastrophic brain injury. Of course, we'll help people with other types of disabilities or injuries, but we've been able to develop that expertise in the area by

developing a national network of experts and also trying cases – successfully trying cases for people who have traumatic brain injury.

CASEY: You have a reputation for being quite the expert in brain injuries. What's the most common result you see? What happens, when we call it a brain injury, what are you seeing?

ROMANUCCI: Well, typically when you see a brain injury you see people who are hurt, who have what are called either frontal lobe injuries, or temporal lobe injuries. That's either being hit right in the front of the face, or on the side of the head. Typically when you have those kinds of injuries, you have what are called blow out injuries, where the eye socket is shattered, and there could be some insult to the eye as well as the brain. Because if you're hit in the face hard enough, you'll have pieces of the skull that may actually embed into the brain. So you may have a multi systemic injury as a result of one type of blow to the head.

COHEN: Well, we know that a lot of this, for you, started with a case involving a 14 year old boy who was struck by a line drive in the head. And this whole issue of trying to get rid of the aluminum bats, didn't it kind of emanate from that case? Tell us about that case.

ROMANUCCI: Well, sure it did. And you know, that case emanated not really from my perspective as an attorney, but also from being a parent really, and a father. I'm also a father of a 15 year old boy who's played baseball for many, many years. And last year in Little League, one of my son's friends was pitching on opening day, and he was struck in the face by a line drive off of a metal bat. Mostly we talk about aluminum bats, but they're really composite bats, they're metal bats, they're made up off all different sorts of metals. The ones that work the best, whichever ones that they find that hit the ball either farther or faster or developed the biggest sweet spot.

So what happened, this boy was hit in the face. It shattered his eye socket. Had to have plastic surgery. And the mother became an advocate after that, because she was – as she was watching the game progress, as this happened, she said that I barely heard the ping off the bat that my son was laying on the ground. So there was a simultaneous component of the ball being hit, and this boy just being laid flat on the ground. And that's – she contacted me about wanting to do something. And that's how this whole thing started.

CASEY: Well, Tony, for those who don't know, can you discuss the use of these metal bats and – versus wooden bats? Why have they come into play at all, and why has there been this change?

ROMANUCCI: Well, I think historically metal bats came in to play, because they were perceived to be less expensive. Wood bats shatter, so you have to throw one wood bat out and go get another one.

So, historically metal bats, aluminum bats were cheaper. And they were. But over time, the scientists figured out that they could engineer metal bats by either developing a longer shaft, by playing with the amount of pressurized gas that's contained within the hollow shaft of the aluminum bat. Actually playing with the metal compounds. And they found out that they - that little kids, men, could hit the ball faster and farther with metal bats.

So, over time they went from a cost saving effect, to really, shall we say, became more of a fun game with metal bats, because you - you don't have a lot of two to one scores in Little League game. I challenge anyone to find me a two to one score.

COHEN: Exactly. Well, the whole reason why these injuries are occurring has a lot to do with the reaction times from when the ball hits the bat, to when the ball comes back and hits the player. And those reaction times, I know, are somewhat infinitesimal, and I know in the Major Leagues, of course, even though they use wooden bats, those times are very small. How about for the younger players with the aluminum or metal bats? Tell me about those reaction times. Can a pitcher, for example, react against the bat - the ball coming back? Is it possible, physically, to do that?

ROMANUCCI: You raise a very interesting point, because depending on where the pitcher is standing. In Little League, it could be from 45 feet, 60 feet, all the way up to the Major League distance of, I forgot exactly what it is, somewhere in the 60 feet area. But for a - in generally speaking, perception reaction time is 1.5 seconds. And that's broken down into half and half. .75 seconds to perceive the stimulus. Another .75 seconds to react to it. So you need about one and a half seconds in order to put that mitt up and catch that ball if it's coming at you.

COHEN: Or duck.

ROMANUCCI: Or duck and get away of the way. (laughter).

So, for a 12 year old, that perception reaction time is going to differ, number one, because they're not as mature. And number two, if they're depending on what distance they're at from the ball. So it might actually even be a much shorter time that they would need to perceive the ball in order to react to it.

So, for an adult who needs one and a half seconds to perceive and react, for a child you may be asking them to perceive and react in one second, or 1.2 seconds.

CASEY: Last Fall, in a Major League baseball game, a first base coach was killed by a line drive. Now what was the MLB's reaction to that tragedy?

ROMANUCCI: Major League Baseball reacted immediately. Right away, as of this season, they required all first, and third, base coaches to wear helmets. And you may, or may not, remember Larry Bowa with the fiery player for the Chicago Cubs, the Phillies.

COHEN: Yeah, the Phillies.

ROMANUCCI: He resisted that. He thought it was a horrible idea, because it interfered with his ability to call the game. And finally he was forced into wearing it. But if you look, all up and down the line, first and third base coaches, they are wearing baseball helmets.

COHEN: Well, it's interesting. You contacted State Representative, I think it was Bob Malaro, who introduced legislation this Spring to ban the use of metal bats in all organized games involving children under the age of 13. That was – that's quite an interesting over – somewhat – people would say overreaching kind of an approach. How do you feel that it's working out, having that kind of a law introduced?

ROMANUCCI: Well, our biggest obstacle to all this, believe it or not, are parents themselves. Parents like the game. They like to see their sons, or daughters, hit balls into the outfield. They love to see home runs. They love to see base hits. And the whole point of a wooden bat, versus a metal bat, also has to do with the time of the game. So about a 15 to 20 minute time difference with a – when you're using a metal bat, versus a wooden bat, in a game.

So the biggest obstacle has been the parents –

COHEN: How do you mean the time difference? What is it? It's a longer game with a metal bat, or a shorter game?

ROMANUCCI: Sure. It's a much longer game with a metal bat, because there are more base hits. There are more balls flying over the outfielder's heads. The ball gets into the outfield a lot faster. So the infielder traditionally, can't move over to the side to pick up the ball. So the games last a lot longer.

CASEY: You know, on a personal note, I raised two girls, so I wasn't really buying too many baseball bats.

COHEN: So did I, same thing. (laughter).

CASEY: But my grandson, who's eight years old, I took him out and he wanted to get a baseball bat when I went into the store. There probably were 100 metal bats of different sorts. If there was wooden bat in there I didn't see it. So obviously the demand is for these metal bats, and a lot of them like myself, was unaware of the issues and the dangers involved in it. What's the next –

COHEN: I know one thing, Mike. I never found one metal Barbie doll when I was raising my girls. (laughter).

CASEY: What's the next up in this legislation, Tony?

ROMANUCCI: Well, the next up in the legislation is really to get support. If we can get a broad based support. In Illinois it's called House Bill 4140. It did not get out of committee this session. It will be reintroduced in the Fall. And separately we have a Chicago Alderman Robert Fioretti who will be introducing legislation in the Chicago City Council to ban the use of metal bats, also for children under 13.

So, we're taking a multifaceted approach. And thankfully, since there has been so much publicity about the metal baseball – metal baseball bat issue, even the *Chicago Tribune* has taken up this issue. And they have publicized it tremendously. And they are also pushing for some sort of change.

COHEN: Interesting. You know, this has gotten a lot of publicity, obviously, especially in the Chicago area. I know *The Tribune* wrote an article this June entitled *More Safety Gear Urged for Young Ball Players*. And it really represented a movement to protect pitchers by having them use helmets, like you were talking about the coaches on the first and third baseline. Having the pitcher, themselves, have a helmet on, instead of just a soft cap. Can you give us a summary of the article, and what's been the reaction to that?

ROMANUCCI: Yeah. There were two Ohio State University pediatricians who published an article in *The Journal of Pediatrics* who suggested in order to cut down on baseball type injuries from ball leaving bat, as opposed to ankle injuries, or leg injuries, that all infielders, including pitchers, start wearing helmets with face guards. So their conclusion was, in order to cut down the injuries, that we need to start armoring the children.

COHEN: Well, it's interesting you should say that, because I can imagine the cartoonist coming up with full body armor on these kids in the field, to kind of show where that may be going. Because I'm sure there's obviously two sides of the argument as to whether do that or not.

And you've seen this in other sports, where in hockey, for example, they – for years goalies never wore masks. And then they wore masks. And then the players never wore helmets. And then they wore helmets. And it's interesting to the eye when you look back at the old days, you see a hockey game, for example, it looks very weird to see these guys with bare heads flying around the ice. And now the helmets and the face guards seem appropriate. Do you think it's going to come to a situation where that proposal is going to take place? Where you'll have baseball players with faceguards and helmets?

ROMANUCCI: Well, I don't want to say this is my idea, because it's not. But what the experts have been saying, that this idea will not take root until Major League Baseball does the same thing. Children emulate Major League Baseball players. I do, to, at my age.

CASEY: This is true.

COHEN: Yeah.

ROMANUCCI: So, in order for children to do this, Alex Rodriguez and Derek Jeter and the Carlos Zambranos of the world will also have to start doing it. Until that happens, I don't see this proposal really becoming popular. And that's why, if we're going to protect the children, you're going to have start with the equipment, and not really armoring them.

CASEY: Yes.

COHEN: Well, you know it's not just Little League and all that. It's gone into the colleges as well. I mean, Notre – wasn't there a Notre Dame player or a pitcher who was hit by a line drive, that also got severely injured? Tell me about that.

ROMANUCCI: In May of this year, it was the same thing. It's widely available on the internet. There was a ball hit off the bat of a college player, and if you look at it, it was the same thing. Before the ping was over, the ball player was down.

And very recently, within this past six months, an 18 year old Montana boy was killed by a line drive that struck him in the head. There was a 12 year old boy from New Jersey who suffered traumatic brain injury, not from being hit in the head, but he was hit in the chest. His heart stopped, he became anoxic, and now has brain damage as a result of that.

CASEY: Interesting you bring up other states. You're taking the lead for this in Illinois for us. What – you see others around the country taking up the crusade on the aluminum bats?

ROMANUCCI: Absolutely. New York City has banned metal baseball bats. They successfully passed legislation. And it also passed Constitutional muster. It went up to their Supreme Court level, which is the lower district level. And they found that there was a rational basis for banning the use of metal bats solely because they could cause harm. There wasn't any conclusive data that they were able to find that they did increase the risk of injury. But there was enough legislative intent in the bill to demonstrate that metal bats could harm.

COHEN: Interesting. Well, let's take a short break right now, and when we return we'll continue this discussion on very interesting and somewhat unique topic about how to get the game of baseball a bit safer than it is today. We'll be right back.

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COHEN: Welcome back to Ringler Radio. I'm your host Larry Cohen, and I'd like to welcome back our – my colleague and co-host today, Mike Casey, Chairman of the Board of Directors of Ringler Associates. And the leader of our Midwest Operations. And Attorney Tony Romanucci, founding principal and partner in Romanucci and Blandin, LLC, out of Chicago. Tony's taken the lead on this area of safety in baseball. And the aluminum bat issue is right at the top of that list.

You know, Tony, as you fight this crusade, so to speak, against the metal bats, and for safety in baseball, I'm assuming that the metal bat manufacturers have been putting up a little bit of a fuss about this. New York City, as you said, banned the metal bats. I'm sure there was a lot of reaction to that on the behalf of the manufacturers. How are the manufacturers dealing with your crusade?

ROMANUCCI: Well, as you can imagine, they've literally come out swinging.
(laughter).

CASEY; (laughter). Good line.

ROMANUCCI: You toss that one right at me, so I couldn't resist it. But they have. They've even – they've taken this battle actually right to me. They've written to me, they've done everything they can to try and stop me from proposing and continuing to bring this legislation hopefully to fruition. Within the past 30 days, they contacted me again saying that I'm wrong, that metal bats do not propel the ball faster, or farther than wooden bats, and they give me all the statistics. However, they still don't address the central issue with metal bats versus wooden bats, and that's the sweet spot. You talk to any scientist, any father who has any

sense of what's going on in the baseball field, or any coach, and even if they're totally unbiased about this situation, they'll tell you that those metal bats have a sweet spot that's exponentially larger than that of a wooden bat.

COHEN: Well, let me ask you this, then. If there was a way that the metal bat manufacturers could, in some way, dampen the effect of the sweet spot, and yet still maintain the metal nature of the bat, could that be a solution to this problem, rather than banning the metal bats themselves and going back to the wooden bats with the issues of cost and breakage, etcetera? Is there a way they can muffle the bat, to an extent, that would satisfy what you're trying to do?

ROMANUCCI: Well, I think anything is possible. And I think in a perfect world, if somebody were able to prove that one substance, versus another substance, is equal in all effects, then I think you raise a very good point. But that hasn't happened yet.

Metal bats, as Mike pointed out, cost \$300 to \$400, not because they're made of gold, or gadolinium or platinum. It's –

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