



Jason Luckasevic, L'00: Bringing Justice to the Gridiron

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Monongahela, Pa. is situated in the Mid Mon Valley, a rural area outside of Pittsburgh that has famously demonstrated a knack for producing star football players. Joe Montana, Eric Crabtree, Fred Cox, Bill Malinchak and Sam Havrilak are just a few of the big-name pro football players to hail from the Mid Mon Valley. Jason Luckasevic, L'00, also hails from the Mid Mon Valley. By the time he graduated from Charleroi Area High School in 1994, Luckasevic, an accomplished golfer, could be fairly certain that his own name would not come to be identified with the National Football League—at least not as a player.

Luckasevic's next stop was Washington & Jefferson College, a small liberal arts school in nearby Washington, Pa. Among the notable alumni of Washington & Jefferson is Roger Goodell, who was named commissioner of the National Football League in 2006, but that fact was not of any importance to Luckasevic as an undergraduate. He was busy working toward a joint degree in political science and English—a degree he earned in just three years. With degree in hand, he applied to two law schools, but only one really held strong appeal. As he recalls, "Duquesne was the proper fit for me for two reasons. One, the class size. I'll always be a small-town guy at heart. And two, I come from a Catholic upbringing, so the school's connection with the church was important."

During his time at the Law School he acquired a job with Goldberg, Persky & White, P.C. After earning his JD in 2000 and passing the Bar, he remained with the firm. "I just celebrated 18 years here, 16 as a lawyer." Luckasevic began his career representing asbestos victims and their families. He managed the western Pennsylvania asbestos docket, which consisted

of thousands of injured asbestos victims. "We've represented probably 50,000 people over the years. In my career I've done somewhere between 2,000 and 3,000 depositions, this of course in addition to the cases I've tried."

As his academic career had demonstrated, Luckasevic wasn't inclined to just settle into a comfortable niche. He was looking to grow. "I wanted to move beyond asbestos because I felt that the legal profession was more than just doing one thing. I put myself in the game and volunteered my services." He became involved in discrimination cases, then disability cases, then worker's compensation, then personal injury—gaining experience and insight each step of the way. "Now I chair the department that handles complex medical malpractice cases. I just tried one that had 13 doctors testify at trial, which I've been told is a new record in Allegheny County. But I ultimately spend a lot of my days handling the sports brain injury cases."

Sports brain injury cases have provided a cause for which Luckasevic has proven to be particularly well-suited, and his introduction to the issue was basically happenstance. Through his brother, an intern at the medical examiner's office, he met Dr. Bennet Omalu. The two professionals became friends, and each took an interest in the other's career. Starting the day with conversation over an early morning cup of coffee was not an unusual circumstance for these friends. "He happened to be in my office one morning in 2006 when I was reading the *Post-Gazette*. He was getting beat up pretty good in the paper by Dr. Joseph Maroon, who was the chief neurosurgeon for the Steelers, and by Dr. Eliot Pellman, who was the head of the NFL's traumatic brain injury committee."

Former Pittsburgh Steelers lineman Terry Long committed suicide in 2005 by drinking antifreeze. Omalu had participated in Long's autopsy and concluded that the ex-football player had committed suicide due to the chronic traumatic encephalopathy that had resulted from his long-term play in the NFL. Maroon and Pellman took exception to Omalu's conclusion. "They called his findings concerning Terry Long 'preposterous and unscientific,' 'unfounded,' 'speculative'—using all those buzz words that we as lawyers know," Luckasevic says. "It didn't make sense to me because he is a pathologist with a neuropathology specialty, and all he did was look at some tissue under a microscope. It either shows brain damage or it doesn't. It is black and white in the world of pathology; it is not gray."

Disturbed by the harsh criticisms and attacks toward Omalu, Luckasevic encouraged his friend to formulate a legal counterattack. "His response to me was, 'You're a good lawyer; you figure it out.'" And that's exactly what happened. Luckasevic began seriously investigating the subject and meeting with retired NFL players. Many of these men suffered from headaches, memory loss, depression and sleeplessness. Their plight was not a theory; it was a daily reality. As he built a case against the NFL, he developed friendships with many ex-players. Through these interactions he personally witnessed the sort of damage that spending years playing a violent game can cause to the human brain.

For Luckasevic, the legal system is a means by which legitimate change can be accomplished, something which is all too often missing from political efforts. "Litigators are more important than politicians. The NFL was aware of this issue through scientists and doctors; they didn't do anything about it. The issue went before Congress in 2009 and 2011. Nothing happened. Finally in July 2013 I teamed up with some exceptional lawyers and filed the first two lawsuits against the NFL on behalf of about 120 players suffering from chronic traumatic encephalopathy brain injuries. This led to the truth finally being made public. It's one of the purest examples of how litigation occurs from a grassroots ground level."

Public perception of the legal system is often skewed towards the belief that litigation is about receiving money. The potential nobility of the work being performed is easily overlooked. "Dr. Omalu should be given a Nobel Prize for his groundbreaking discoveries with regard to the effects of football on the human

brain, but if not for the litigation and the lawsuit, the NFL would not have cared. Litigation changes the world. It puts pocketbooks at risk, it brings the spotlight to important issues and it raises vital issues to the level of a public concern."

On Feb. 4, Luckasevic brought his knowledge and experience to the School of Law in the form of a continuing legal education program titled Sports Concussion Litigation. He was joined by Daniel Kunz, L'02, a Duquesne University School of Law adjunct professor who serves as an NFL Players Association certified contract advisor and chairman of the Allegheny County Bar Association Sports Law Committee. The well-received CLE covered the laws surrounding various leagues, the discovery process and defenses, and an overview on the science and medicine of brain injuries. "When discussing sports concussion litigation, the most important thing that I tell anyone is that I am not anti-sport. Rather, I am pro-athlete," Luckasevic says. "They deserve proper care, safety measures and being warned of any known health risks. I see myself as their voice and advocate when leagues, owners and coaches let them down and treat athletes as being disposable."

The work started by Omalu and Luckasevic has not only changed the way we look at sports, but it's also changed the way we look at every area of litigation because the brain has become the focus of injuries in cases. "Litigation has given victims a sense that they are not malingering or making up stuff—they actually have injuries."

A board member of the Brain Injury Association of Pennsylvania, Luckasevic carries the fight well beyond the world of sports. "We've done a study of the Graterford Prison system in the Philadelphia area, which included neuro-psychological evaluations to inmates to determine whether they are capable of returning to society. One of the things we've found through our study is that somewhere between 70 percent and 80 percent of inmates have a history of TBI—traumatic brain injury. The future of our criminal defense may surround the issue of whether they had TBI and the effect it may have had on their ability to assess their behavior."

His summary of the motivation behind his determined pursuit on this issue is simple and succinct: "It's about justice." And, though he never starred on the gridiron, justice is why Jason Luckasevic may prove to be the Mid Mon Valley's most influential contribution to the world of professional football. 🏈

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Luckasevic with Dr. Bennet Omalu

