

# The Legal Intelligencer

THE OLDEST LAW JOURNAL IN THE UNITED STATES 1843-2015

JULY 10, 2015

An **ALM** Publication

## COMMENTARY

# Why Some Parents Become Advocates After the Death of Their Child

BY JOEL D. FELDMAN

*Of the Legal Staff*

“While there is nothing good in trauma, good can come out of trauma,” Viktor Frankl wrote in “Man’s Search for Meaning.”

As a personal injury attorney for more than 30 years, I have often represented clients whose lives were devastated by terrible injuries: brain and spinal injury, severe burns, amputations and paralysis. Even worse, many of my clients’ loved ones have been killed. Those cases always proved challenging for me to grasp the enormity of my client’s damages, so that I could properly convey their loss to adjusters, risk managers, defense counsel, judges and jurors. But, no challenge was greater for me than representing parents who had lost a child. During these cases, I would sometimes try to imagine what it would be like for one of my two children to die. But I couldn’t spend much time thinking about that because it was too painful to comprehend. We know, of course, that tragedies do happen. That children do die. But we just never expect it to be our children. I never imagined that my daughter, Casey, would be taken from me. She was struck and killed by a distracted driver in 2009.

Since Casey’s death, I have learned that trauma, including grief and loss, can present the opportunity for

growth. Psychologists refer to positive psychological change following trauma as post-traumatic growth (PTG). Perhaps the two leading authorities on PTG are researchers from the University of North Carolina, Richard Tedeschi and Lawrence Calhoun. Tedeschi and Calhoun define PTG as “the experience of significant positive psychological change arising from the struggle with highly challenging life circumstances.” Thus, PTG describes an experience in which an individual, following trauma, and even suffering from post-traumatic stress disorder (PTSD), not only returns to baseline functioning, but exceeds prior levels of functioning in some areas. It is not the trauma itself that causes PTG, but rather the individualized reaction: our personal struggle with trying to adapt to the loss that causes growth. Additionally, it is not that the symptoms of PTSD have disappeared, but that personality changes indicative of growth co-exist with PTSD.

The sudden and accidental death of a child is a traumatic event. Like many of my clients, after Casey’s death I exhibited symptoms of PTSD, including recurring thoughts of her death, inability to concentrate, feeling numb, irritable and angry, and withdrawing from my social communities. While the severity of an event often dictates if we are “traumatized,” sometimes two people experiencing similar events react very differently. One may appear to suffer from PTSD, while the other may seem



generally unchanged. Some experts argue that it’s not so much the nature of the event that results in traumatization, but rather the level of internal psychological disorganization the event causes to the victim. R. Janoff-Bulman from the University of Massachusetts Amherst has proposed that when our worldview assumptions are called into question we are more likely to be traumatized. A couple of common worldview assumptions are that we have control over our lives and those we love, and that if we work hard and are good people, bad things will not happen to us. When our child dies we may question these basic assumptions and beliefs. These beliefs no longer serve as a sense of security in the world and no longer allow us to go about our daily activities without constantly stressing over the possibility that something terrible could happen to us and those we love. When our worldview assumptions are called into question, we may suffer from symptoms of PTSD. But with time, some trauma victims may begin to exhibit symptoms of growth—positive changes as a result of their experience.

In representing bereaved parents over

the years, I had witnessed their terrible suffering. But I had also observed how many had turned their tragedies into something positive, often devoting themselves to helping others. Some parents state that they are “different,” “better for the experience,” “stronger” and “better able to handle life’s challenges.” I marveled at how they not only managed to survive, but were able to restructure their lives to helping others. One of the most rewarding aspects of being a plaintiff’s personal injury lawyer is to have had the opportunity to represent so many inspiring people.

The concept that from suffering can come growth is not new and is repeated throughout philosophy and literature and is an integral aspect of major world religions. Frankl, in recounting his experience in the Nazi death camps, described how some prisoners, despite the horrors they faced, were able to find meaning. In “Man’s Search for Meaning,” Frankl stated: “The way in which a man accepts his fate and all the suffering it entails, the way in which he takes up his cross, gives him ample opportunity—even under the most difficult circumstances—to add a deeper meaning to his life.”

PTG describes both a process and measurable positive changes in one’s psychological condition. The Post-traumatic Growth Inventory (PTGI) was developed by Tedeschi and Calhoun to measure PTG in five areas: personal strength; new possibilities; improved relationships with others; greater appreciation for life; and spiritual changes. While feelings of vulnerability surface as a result of the traumatic experience, over time those can be accompanied by a newfound sense of personal strength. Some feel as if they had been tested and survived. “If I got through this I can get through anything” is a frequent refrain of trauma survivors.

Gail Sheehy in “Middletown, America: One Town’s Passage From Trauma to

Hope,” an account of a town’s healing following the attacks of 9/11, stated: “The best way to build bridges from the land of the dead to the land of the living is to tell and retell the story of those who are gone; that guarantees a measure of immortality.”

After Casey died, I feared that she would be forgotten and was consumed by the need to do something in her memory. Like other bereaved parents, I established a foundation in her memory and have devoted myself to raising awareness about the dangers of distracted driving through our organization EndDD.org (End Distracted Driving). Parents raise funds for charities devoted to finding cures for childhood cancers and other diseases, work to prevent bullying and become advocates for different causes, all in memory of their deceased children. Most parents were not advocates before their child died. But whether they’re driven by a desire to keep their child’s memory alive or through a discovery of previously unknown strength—or both—parents work in entirely new ways to create an enduring connection with their children through their philanthropy and advocacy.

My relationships with others have improved following Casey’s death. While immediately after Casey’s death our family wanted to be left alone to mourn, fortunately, our circle of friends, colleagues, and even strangers did not permit that. The unspeakable had occurred and there was an immediate outpouring of support for us. I learned just how kind, caring and loving so many could be.

I have learned there is no guarantee of health or even life—not even for our children who so deserve it. I know that there is only so much I can control and that the most important people in my life can be taken in an instant. I stop and “smell the roses,” literally and figuratively, and try my best to live each day as fully as I can. The death of one’s child graphically puts into perspective what is and is not important in life.

I believe that there is a power that

is guiding me and that Casey’s death is part of a plan that I cannot fully comprehend but accept. This brings me some comfort. Like other bereaved parents, I continue to mourn the death of my child and will do so until I die. But I am thankful that out of the struggle to find meaning following Casey’s death, I have been fortunate to have benefited in some ways from my experience. Today, I believe that I am a more compassionate person, have more patience, listen better to others, have a healthier balance between work and home and am more appreciative of life. Until recently, I could not have entertained the notion that I had benefited in any way from Casey’s death. But today, I realize that it is indeed true as I am more professionally and personally fulfilled than I have ever been. And I know it is a direct consequence of her death. •

**JOEL D. FELDMAN** is a shareholder at Anapol Schwartz in Philadelphia and handles a variety of plaintiff’s personal injury cases. Following his daughter’s death by distracted driving, he obtained a master’s in counseling and works with national, state and local law enforcement, educators and traffic safety professionals to raise awareness of the dangers of distracted driving through his organization EndDD.org. He can be reached at [jfeldman@anapolschwartz.com](mailto:jfeldman@anapolschwartz.com).

---

Reprinted with permission from the July 10, 2015 edition of THE LEGAL INTELLIGENCER © 2015 ALM Media Properties, LLC. All rights reserved. Further duplication without permission is prohibited. For information, contact 877-257-3382, [reprints@alm.com](mailto:reprints@alm.com) or visit [www.almreprints.com](http://www.almreprints.com). # 201-07-15-09

