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Tim Lightfoot. Well hello and welcome to the weekly Podcast from the Huffines Institute For Sports Medicine and Human Performance. I'm your host, Tim Lightfoot and I want to thank you so much for taking the time to download us and listen to us. This week we're bringing you another interesting individual in the world of sports medicine and human performance. We are very, very fortunate to have with us one of the prominent journalists that's working in the area of sports writing right now by the name of Patrick Hruby. Welcome to the Podcast, Patrick.

Patrick Hruby. Great to be here. Looking forward to talking about this very complicated and important issue.

Tim Lightfoot. Yeah, well thank you. And I'm going to tell the audience a little bit about you so they'll know why we have you on anyway. And then we'll just kind of jump in to it. Patrick is a writer for the Sports of Earth and the Washington Times. He's an award winning journalist. He, for several years now his writings have been selected for the best American sports writing books, if you catch those in the bookstore. He contributes to the Washingtonian Magazine, the Atlantic Online, ESPN, Readers Digest and many more. He has a Master's of Science in Journalism from Northwestern University's Model School of Journalism and in 2012 he was the Virginia Press Association's first place feature story portfolio winner. Again, thanks for being with us today Patrick.

Patrick Hruby. Thanks for rattling off my resume's highlights. It makes me feel more impressed than I am actually am.

Tim Lightfoot. No, no. We often...most of us really...you know you accomplished these things and we kind of are all very humble about it so we're just glad to have you. And tell the audience today that we...I reached out to you and connected with you because of a piece that you wrote for Sports of Earth that came out last week about some of the ongoing things that are going on with the NFL concussion lawsuits that are happening. And one of the great pieces you wrote...and just for a quick update for the audience, there are about I think 4,000 former players that are now suing the NFL for concussion related injuries and your piece last week was really about how the NFL has, we'll say controlled that for the time being and I'll let you take it from there. Tell the audience a little bit about some of the things that you wrote about.

Patrick Hruby. Sure. Well yeah, like I said, this is a complicated topic and just to bring people up to speed that maybe haven't read a lot about it. You're right. There are more than 4,000 former players. That's something in the range of about a third of all the current living former players have brought lawsuits against the league over brain trauma and concussions. I think it's important to say brain trauma and not just concussions. We really are talking about brain trauma more broadly...

Tim Lightfoot. Yeah and people forget to...

Patrick Hruby. [??? 00:03:13]

Tim Lightfoot. ...people forget that concussion is a brain injury, don't they?

Patrick Hruby. Exactly.

Tim Lightfoot. They...I mean they tend to use the word concussion and it gets...it really kind of devalues what's happening, but yeah, you're right, brain trauma.

PH. Right, right. Exactly because there are different types of injuries and as we're discovering at the science obviously some [??? 00:03:30 and blows also can cause a lot of brain trauma, so...but we'll get into that later. In terms of these suits, the thing's the...the [??? 00:03:37] to really know, if you haven't read about it already, is that what the players and the [??? 00:03:44] have saw are the same and accused the NFL of is that the NFL basically knew of and hid or did not disclosure and did not inform these players of the full risks of football induced brain trauma. So essentially...I mean how does that work in a practical sense? Well essentially it means things like the NFL...there was outside science that said, this is a pretty serious injury, your return to play guidelines need to be...you can't just go back on the field the same day when you have a concussion. Things like that. But the NFL ignored kind of all that, told the players it was okay, told the players there was no link between getting concussions and getting hit in the head. And any kind of long-term cognitive damage...all these sorts of things. So that's...essentially that's what the lawsuit and that's what the argument in the lawsuit is really about.

TL. Yeah. And...

Patrick Hruby. [??? 00:04:42]

Tim Lightfoot. ...let me, let me interject here. And I relayed this to you in an email. As I have read about this I've kind of thought what's the deal here? These guys knew this was a dangerous game in the first place. They knew these kind of things were a possibility and they went ahead and played anyway and now why are they blaming the NFL?

[00:05:03]

And as I told you, I think my attitude on that has changed 180 degrees because, as you have really shown, there really was a...I hate to use the term cover up but that's kind of the best thing I can use right now and I think that's what you're about to talk about a little bit.

Patrick Hruby. Yeah, no, exactly. And your question is a question lots of people have already asked me. Whether it's people that reached out to me on email, leaving comment on things I've written, comments that I see on other stories about this issue. You're right. A lot of people say well, sure, playing football means getting hit in the head, getting hit in the head means that you probably risked those brain damage, duh. How can these people turn around and sue? That

doesn't make any sense. Didn't they know? And as I wrote about, the NFL players they didn't know, they weren't told. And what I wrote about specifically last week is the guy named Elliot Pellman, now who's Elliot Pellman? Elliot Pellman was until recently a long time team doctor of the New York Jets. By training he's a rheumatologist, which means he specializes in joints and muscles.

Tim Lightfoot. Not in concussions.

Patrick Hruby. Okay? So far, so good.

Tim Lightfoot. Yeah.

Patrick Hruby. So far, so good, right? In terms of...for a sports team doctor that makes sense, right?

Tim Lightfoot. Right.

Patrick Hruby. Now back in 1994...you got to go back in time here...the NFL started to get concerned about concussions. If you think back...I don't know if you guys remember...but players like Steve Young were getting quite a few concussions, Troy Aikman. There were...I don't know if you guys remember, a New York Jets receiver named Al [??? Tune 00:06:36] who had something like nine concussions diagnosed in his career, had to retire because of post concussions. What they called then post concussion syndrome. So...you have massive headaches, light sensitivity, memory problems. All the things we now know about a little bit better. So the NFL decides okay, we're going to put together...the NFL put together a committee. They call it their Mild Traumatic Brain Injury Committee it was based on their Concussion Committee and they...we're going to, we're going to study this problem. So Elliot Pellman who again, not a neurologist, no real training in brain science whatsoever, or brain health, was installed as the chairman of the committee. Now flash forward to the mid-2000. While lots of other outside science, like I said before, was talking about the dangers involved here, while other outside sports science and medicine organizations were putting forward return to play guidelines that basically said, you can't come back on the field the same day. Concussions are serious injuries and you need to be examined by qualified neurologists, you need to take these things slow. All the sort of things that in a way we sort of take more for granted now but didn't then. These things were being said but at the same time these things are being said, the NFL committee was doing its own studies. Now these studies were [??? 00:08:01] and they were closed and they were coming out with completely contradictory conclusions. They were saying things like, and I quote, "concussions in professional football are not serious injuries." That's a direct quote. Not a serious injury. They were saying that it can cause players, based on their data, to safely be allowed to return to play on the same day. And also, here's the other thing I've got to add. This is where the idea of cover up comes into play. Not only were they saying this, but they were playing out and actually attacking and [??? 00:08:35] to discredit outside researchers...researchers were saying the opposite.

Tim Lightfoot. So this just wasn't a scientific disagreement. Maybe a couple of different studies done differently and you'll have disagreements amongst scientists about things that happened.

Patrick Hruby. Sure.

Tim Lightfoot. From the tone of the things that were said and written, you think that this was on behalf of the NFL this committee was out attacking other scientists trying to discredit the other, the other science to make it seem like concussions were less serious than they really were.

Patrick Hruby. I mean I think the evidence have already been made public and the [??? 00:09:10] of lawsuits we haven't gotten the discovery process yet so we don't know the sort of internal memos, we don't know what's going on inside this committee. But just speaks on the basis of what they've done publicly and what's already been out there I think that it's fair to say that at the very least they have their head in the sand. And it's really hard to understand how they have their head in the sand which is somewhat purposeful. I'll give you a few examples with that. First of all, in terms of, in terms of Pellman, neuropsychologists they jokingly call him Mr. Pellman not Dr. Pellman. And here's one guy [??? 00:09:50] one doctor he talked to Peter Keating of ESPN Magazine and this is back in 2006. Peter Keating, by the way, is the guy that really first blew the whistle on some of this stuff. But we have done and looked at the actual lawsuits against the league, some [??? 00:10:03] in the ESPN, the magazine it's at the center of a lot of these lawsuits.

[00:10:08]

And here's a quote from one of the doctors, a neuroscientist that talked to Keating. He said, "I would hear Elliot Pellman say things in speeches like, I don't know about...much about concussions. I learned from my players and we at this field don't know much about concussions. And it used to be bother me," this doctor said. He knew what to do about concussions but he was acting like it was new ground. So you've got this NFL committee headed by Pellman. And by the way, they're founded in 1994. It takes them till 2003 to put out their first paper.

Tim Lightfoot. Wow.

Patrick Hruby. Even at the academic level, that's a pretty long time.

Tim Lightfoot. Yeah, that you wouldn't have a job very long in the academic world if...

Patrick Hruby. Right. And these aren't even guys...

Tim Lightfoot. ...you have one paper in nine years.

Patrick Hruby. Right. And they're not even guys who are out there fighting for grant funding, right? They're being funded by the NFL, so...

Tim Lightfoot. Right, right.

Patrick Hruby. So they publish this series of papers in their 2000 but like I said, they concluded that even if you're knocked unconscious you could safely return to play the same day. They said that they're trying to [??? 00:11:04] concussion doesn't involve a significant risk of a second concussion in their staying game or during that season. They said that if you had previous concussions you had no risk of repeated concussions. And they said...this is the real, the real bad one. They said, "There was no evidence," that's a direct quote, "No evidence that multiple concussions produced worsening injury or chronic cumulative effect."

Tim Lightfoot. Wow.

Patrick Hruby. Now, we know that none of that is true.

Tim Lightfoot. That's correct, yeah.

Patrick Hruby. Yes. The science...look. The science...the brain is a black box. I mean I'm sure people you've talked to before said that too.

Tim Lightfoot. Yeah.

Patrick Hruby. There's a lot we don't fully understand. There's a lot about the mechanism...the concussion we don't totally understand and that can lead to other types of brain trauma we don't totally understand. We're still figuring that out. We're still figuring out how to diagnose, how to image. There is some art to this as well as science. That's all true. That being said, we do know that these are serious injuries. We do know that there's significant risk that a) if you go back out the same day that you're being [??? 00:12:09] of getting a much worse injury. Something like second impact syndrome. You know there's a significant risk of you have one concussion you're might [??? 00:12:16]. You know that repeated blows to the head, whether they're concocitive or sub-concocitive absolutely increase your risk of chronic effects later on, whether you're talking about CTE or other types of cognitive dysfunction. And we are just start knowing this like in 2009 and 2010. We've known that for awhile and that's what crazy is that there was a lot of other outside research going on. And like I said, it feels like the NFL was ignoring or actively attacking.

Tim Lightfoot. It is interesting that over the last few years as the new commissioners come in he has basically said, Roger Goodell has said that player safety is number one. And one of the things that you point out is that if player safety is number one, why is this Pellman still involved?

Patrick Hruby. Great point. And that was the genesis of this article was I recently found that...okay, so just to give you the context, Pellman in 2007 resigned as the chairman of the NFL Concussion Committee but he was still on the committee. He was on the committee roughly until about 2009ish, early 2010. If you remember when Roger Goodell [??? 00:13:32] NFL went before Congress and they had hearings on this. I don't know if you remember but they...I don't know how...to put it in a vernacular, they had their butts handed to them by Congress basically

and they were called to the carpet for what they have...what they admitted they hadn't been doing on this issue. After that happened, the NFL basically disbanded the old Concussion Committee. They formed a new committee including quite a few people that had been critics of the NFL's previous science and previous approach. And at that point I sort of figured, like a lot of people, oh, Pellman is out of the picture. But like I said, I found out a couple few weeks ago on there and I wrote about it. It turns out he's still the medical advisor to the NFL. Now I asked the NFL about this and they told me look. Elliot Pellman is our medical advisor. They said he doesn't have input on a specific new concussion committee they have. They said he doesn't make policies. Well, okay. Yeah, I don't know if that's true or not. I'll take them at their word. It's very...the NFL's a very opaque organization. It's really hard to know what's going on behind the scenes or...they're a private organization. They don't need to make a lot of things public. But that being said, again just like sort of combing through a report, Pellman has been somewhat involved with brain related and stuff.

[0:14:59]

I can give you a few examples of that. Do you remember three years ago there was a Philadelphia Eagles game. I think most people remember this where the quarterback, Kevin Kolb at the time...and also a linebacker Stewart Bradley, they were both...it costs [??? 00:15:10] the game and like this will be exciting. It's been on TV. And they were allowed to keep playing before they were eventually pulled off the field. So the league looks into this, because they had just established their new concussion guidelines. Again it took them till 2010 basically to be like, okay if you're concussed you have to be taken out of the game. Well we looked into it and the person that had speak to the Eagle's trainers was Elliot Pellman, so in some way he's involved there.

Tim Lightfoot. Right.

Patrick Hruby. You guys are pretty familiar with [??? 00:15:40] McCoy, the old Texas quarterback, right?

Tim Lightfoot. Uh-huh. Yeah. Colt McCoy, yup.

Patrick Hruby. Yeah, so you know...remember with the Browns a few years ago he was concussed on a brutal helmet to helmet hit and James Harrison of the Steelers. I think almost everybody saw this hit and...

Tim Lightfoot. It was no doubt. When he came back out you could look at him and...look him in the eyes and you knew he was concussed.

Patrick Hruby. Oh yeah. He was kind of stumbling a little bit. And the Browns trainer somehow failed to administer a sideline, just a standard diagnostic test from the sideline. Again, those tests aren't perfect but at least you have to be administrated though.

Tim Lightfoot. Right.

Patrick Hruby. You have to be trying. And they failed...somehow they failed to do that. I mean and that was, that was a big deal. I mean that became a national story. McCoy's father who is, I believe, a high school football coach or a former high school school football coach said, [??? 00:16:26] well, you know, is not necessarily someone who is completely a [??? 00:16:34] football collegiate...what some people would consider exaggeration of issue. And there are people who are livid about this. He spoke out publicly about it. So again, the league sent a representative who talked to the Browns official and what happened. Who do they send? They send Pellman. And then in the same season you guys remember Mike Vick of the [??? 00:16:54] who was the quarterback for the Eagles back in [??? 00:16:56] new NFL procedures, he had to be examined by an independent neurologist before he could return who technically an independent neurologist will go to the Eagles trainer Pellman was involved in that selection process, which is...we have gone [??? 00:17:13] one. Again, why is he involved with anything related to players [??? 00:17:16]? I was a player of the NFL. I don't [??? 00:17:19] near that whole process. 2) It's an independent neurologist. Why is anyone from the NFL helping select the guy? [??? 00:17:27] strange too. It's again, as you guys know, I mean, the whole situation with a team doctor and conflicts of interest is very real. It's real in college sports, it's real in pro sports and there's lots of documentations where even when you have ethical, upstanding, good doctors that want to do right by the patient, they're being put in that compromising position because who's paying their [??? 00:17:53] retain their salary. So that's a whole other issue but just I wanted to bring that up.

Tim Lightfoot. Yeah, well I think that's a great point and we wrote...I wrote a blog last week about that because one of our former Podcast folks, Dave Epstein, wrote a big article in Sports Illustrated about the Penn State issues.

Patrick Hruby. Right.

Tim Lightfoot. Right in the area. So yeah, that's a huge...that whole conflict of interest thing with the teams themselves picking the doctors, that's a huge conflict of interest there.

Patrick Hruby. I think so. And the NFL's even...I don't know if you're talking not at a college level. In the NFL it can also...the teams not only pick these doctors but a lot of times doctors bid to be a team doctor in that town because it's really great for their business. So there's like a double conflict of interest. There's a whole commercial interest of, not only do you want to, do you want to be the team doctor as they're paying you to, they're paying you to be the team doctor but you sort of want to keep that relationship because it's healthy in your normal business too. So it's a really dicey thing. I think in the ideal world, honestly, I think where you would see it, I think the players association would be the one funding the doctors of their own care basically and they wouldn't be connected to the teams. And the same thing's found in college is the same thing where well if you have a player...there's something about [??? 00:19:06] case. Well if you

have some sort of players in your players association, again, they would be the ones to [??? 00:19:13] doctors and again not the...not necessarily the teams or the schools because there's just an inheritant conflict of interest there even with the people.

Tim Lightfoot. How does, how does what the NFL has done in the past compare with what other sports that have the high potential in the brain injury or concussion? How does it compare with other sports like hockey, like boxing and the attention that has been given in those sports to it? Have they been similarly in behind or is the NFL the one behind all them or how's that comparison go?

Patrick Hruby. You know I think in general they've been somewhat similarly behind.

[00:19:55]

Yeah, with hockey, I know hockey has been looking at this problem for awhile and maybe in some ways with a little bit ahead in terms of not rushing players back to play so quickly. But they've got to hold the same problem with the conflict of interest and problems with players not wanting to disclose the injury, [??? 00:20:21]. Like the whole don't ask, don't tell problem so to speak. The whole financial sign that goes up which [??? 00:20:28] from the issues. I think boxing is almost a state by state thing because it depends on what that state [??? 00:20:35] commission move on it. I think in general actually boxing's a little bit better in terms of if you've been knocked out cold. I think a lot of states have...there's a certain number of days or a month or something before you go out to fight again. Which again is a really crude sort of protection especially given the fact that boxing and you're just getting all these cuts and blows all the time. So I'm not going to definitely say that boxing is so much better on this but I think that's one way in which they're maybe a little bit ahead even if the sport itself is even more of a greater risk than maybe football. In terms of other levels of football, I don't think there's been anything...there's never anything [??? 00:21:15] like at all in sort of youth football, heads to the football. And the NCA arguably at this point is well behind. It's inarguably well behind even with what the NFL is doing which is a whole...or something I've written about and we can talk about separately or talk about it now if you want to.

Tim Lightfoot. Well it's, I think it's just an interesting topic to try to understand how these big organizations are trying to come to grips with this and one of the things that we've talked with, especially with some team physicians that we've had on the Podcast as well as athlete trainers, is for those folks that balance between the player's safety and the desire to have the good...the best athlete on the field at the time, and we've been privileged that the ones that we have talked to voiced...said without a doubt, the player's safety comes first. But in your article when you talked about Pellman and some of his interactions with the Jets players, there was no doubt that he wasn't there for their long-term best interest. He was there for the team's best interest short-term.

Patrick Hruby. Well yeah, there's an incredible...again, there's an incredible exchange and this was originally reported in the New York Daily News. And then also was referenced in that Peter

Keating ESPN Magazine I probably talked about. We're probably back in 2003 and it's between Elliot Pellman and a wide receiver named Wayne Chrebet. I'm sure... anyone who follows football remembers him. He was a... he was a really good receiver for the Jets for many years and basically concussions and brain trauma like forced him out of the league and forced him to retire. So there's a 2003 game, the Jets were playing the Giants, Chrebet gets knocked out. This was the description what happened next. Pellman's standing at the sidelines, the fourth quarter he's looking at him, he says, there's going to be some controversy about me going back to play. So this is very important for you. It was very important for your career. And he asked them... he asked him, are you okay? And when Chrebet said I'm fine, Pellman sends him back in the game. Now this was even though he knew that Chrebet had been knocked out cold, he knew that he's been concussed, he put him through some mental tests on the sidelines and Chrebet was performing okay on these memory exercises, which again, they don't necessarily tell you if a) if someone's been concussed, b) they certainly tell you if someone can go back out there and get hit in the head again or be at risk for that. So it's very... even in 2003 it's, and in my opinion, very, very irresponsible thing to do. Now there were no NFL policy against that at the time. Again, the NFL is going off its own [??? 00:23:55] work, it's going off Pellman's committee's work and Pellman's going to be saying this is totally fine. The NFL's [??? 00:24:01] standard operating procedure at the time, 50 percent of players that were concussed in games are going right back in. That's from their own statistics at the time. That was just the way things were done and they were okay with that. So yeah, I mean that's the thing about this... these sort of... you can split to them and say, well these are just sort of scientific sites, they're academic sites, or they're sort of esoteric, but they're not because they... many people [??? 00:24:24] for the policy of that trainer on the sidelines and what decision they're going to make. The coach, what's going to inform their decision? The coach is being told at some level concussions are not serious injuries and the coach is going to tell his players get back out there, right? Play through it. It's a bruise, you know what I mean? It's kind of... it goes to the whole football ethics. You really need... you need to have all this sort of science there. You need to have this expertise there to inform the decisions about the guys that are on the field.

Tim Lightfoot. Well Patrick let me ask you. Surely there were other folks involved that were speaking out against this, even within NFL.

[00:25:02]

Certainly they weren't all going along like sheep with this. Has there been any blowback... first of all, have you gotten any flack over this kind of reporting? Has there been anybody that was involved maybe internally that's gotten blowback on some of this stuff or they got flack over their stance?

Patrick Hruby. Well sure, sure. First of all, I haven't gotten any personal blowback but I am sure that I am not on the NFL's Christmas card list. I can guarantee you that. They're not... they're...

Tim Lightfoot. You're not going to the Christmas party, huh?

Patrick Hruby. No, they're...look. They're very obviously a well funded organization, they have incredibly bright lawyers in charge, they have very smart public relations people in charge. I mean, look, look. The old commissioner, before [??? 00:25:50] it's Pete Rozell. Pete Rozell was a PR person by the time he made his mark. So, the law and PR is in their DNA and they're very good at both. So they don't, they don't necessarily, they don't necessarily need to blowback on particular reporters, they sort of stop being good at sort of shaping the narrative and much like a good political campaign I want them to control the media yet they don't, but they definitely are good at sort of shaping what gets into the media and what's [??? 00:26:26]. So anyway, [??? 00:26:29] in terms of actual people inside or involved in the NFL, sure there was a...there was one person I talked to in particular, the guy named Bill Barr. Now he is at New York University. He's a neuropsychologist. He was working with Pellman. He worked with him as a consulting neuropsychologist for the Jets and a lot of what he did was basically he would give pre-season baseline tests on players and then he would evaluate again, then again after they had been cut. And I talked to Bill and Bill said for awhile his working relationship with Pellman was great. He said there were clear boundaries. He said he would just provide his objective information, talk to these guys. They've got cognitive function or they don't depending on what the test says and that Pellman was in charge of the actual return to play decision. But Bill told me he felt that Pellman listened to his opinions and respected what he had to say and he said at that time, which was early 2000, he had no real problem with Pellman. Now he said things changed in 2004 and here again this is a good example of what was kind of going on behind the scenes. So Bill Barr he's a research scientist, so he is doing stuff that doesn't involve the NFL and one of the things he was doing was a big study of like [??? 00:27:45] down in North Carolina on the [??? 00:27:49]. I tried to get [??? 00:27:51] from other people. They did a study of almost 3,000 college athletes [??? 00:27:55] and the study basically just found...it found a lot of things but one of the things they found that was interesting to Barr was that the best time to conduct those follow-up, psychological tests of players who have been concussed with see how they're doing? It's actually to wait until their symptoms, the headaches, light sensitivity, nausea, those kind of...those more obvious symptoms of being concussed, wait for those symptoms to completely clear. Now in general, that takes usually about five to ten days after the injury. So in the NFL...

Tim Lightfoot. That means the player would have to be out for five or ten days, huh?

Patrick Hruby. Exactly. And the NFL, they were having Barr come in and give these tests on Monday or maybe on Tuesday because the NFL wanted to get these guys back on the field as quickly as possible. So...but they're [??? 00:28:48] again, like I said, the doctor's exam is probably is academic [??? 00:28:52] to actually have a really big impact on the grand decision making. But what happened? Barr knows the study, he goes to a Grand Jury conference in New York, he basically just presents his findings and just says, look, the time for us to test these guys is five to ten days not one to two. He says a week later he got an angry phone call from Pellman and a) Pellman had already told him that he didn't believe in the findings of the study and Barr's

like, look, this is impeccable design, careful research. And Barr didn't know to [??? 00:29:27] now Pellman's on the phone angry and he's saying, you're saying bad things about the NFL. And he tells Barr if you ever want to talk about sports concussions at all publicly, you have to clear it with me.

Tim Lightfoot. Wow.

Patrick Hruby. So Bill Barr, he's a consultant and he's also an NYU faculty member. Here's a researcher...in fact he claimed himself, I have a way more of a research background than you do and you're not even a neurologist. He's like you can't tell me what to say about concussions. So, Barr [??? 00:29:57] look, that's not going to happen and he says Pellman fired him immediately.

[00:30:02]

Now Pellman denied that this conversation took place along those lines, but he did admit that he fired Barr and he refused to say why. And that was in Peter Keating's ESPN Magazine article. But again, in my judgment who do I believe here? Who's more likely to be telling the truth?

Tim Lightfoot. Right. The person...

Patrick Hruby. I don't really have...

Tim Lightfoot. ...yeah, the person with the conflict of interest or the one without?

Patrick Hruby. Right. Exactly, exactly. The person who had something to lose here or the person that doesn't? And I talked to Barr. This happened in 2004. I talked to Barr a couple of weeks ago about it. He's still, he's still, he's still upset. He's not upset at what the NFL did, he's upset at that notion of you have to clear what you say with the NFL or with me. I mean basically it's science, sort of research and scientific and moral integrity was just offended by that notion as he should have been. And I think that kind of stuff [??? 00:31:04] and that really...that sort of soured him on some of the stuff that was going on with the NFL in general.

Tim Lightfoot. Well, well Patrick we are running out of time here and a fascinating story. And I have a feeling that there's more chapters of this that we don't know about that are going to come out pretty soon.

Patrick Hruby. I think that there's...that those lawsuits right now they're sort of hung up on some procedural decisions. Basically is this a matter actually for a jury trial or is this, or is this a matter of if the NFL's arguing that should be handled by an arbitrator through collective bargaining agreement. Once the federal courts rule on that, and they're expected to rule sometime in the summer, and then whatever appeal process comes out of that, again it will be like a legal dog's fight from start to finish. If we ever get to the point where there's an actual discovery process and the plaintiff's lawyers are allowed to subpoena all of the memos, all the correspondence, all the paperwork in the concussion committee, they're allowed to depose

Pellman and some of the other people that were on it, you're right we're going to find out a lot more one way or the other. And just again, my sort of reporter side [??? 00:32:12] is that it probably isn't going to be great for the NFL if that stuff becomes public. And I actually think there's a good chance if these cases are allowed to go through there's a good chance we'll see some sort of big global settlement before we'll ever see that stuff become public.

Tim Lightfoot. Yeah, they just don't want...they won't want it to come out in public.

Patrick Hruby. I think, yeah. I think it would be an absolute public relations nightmare for them.

Tim Lightfoot. Yeah. So what's one take home message that you would give our audience to take away from this conversation?

Patrick Hruby. Well I guess my take home message would be, given the fact that Pellman is still giving medical advice to the league, given that a couple of those guys that were on that original concussion committee are still on the new concussion committee and some of the guys that are on there are still affiliated with the league, in various sort of medical connected ways, whether it's advisory roles, consulting roles, things like that and given...given that the NFL is kind of painted itself into a corner where on one hand they want to be seen as being more for the player's safety and they are. Then on the other hand because of this legal situation and then wanting to be liable for things, they can't [??? 00:33:22] repudiate towards the bad work and bad stuff that they were doing, I think the take away is just, it's almost like the old [??? 00:33:34] cliché about how they approach this so [??? 00:33:37] trust the verify approach, right? When we had honest control at [??? 00:33:40] do you remember that?

Tim Lightfoot. Right, yeah, right.

Patrick Hruby. Your listeners are old enough to remember that. I think what the NFL and their sort of come to Jesus term on brain safety I think we need to have a community [??? 00:33:53] the verify approach. When the NFL announces they grant [??? 00:33:57] brain research and you can look at the fine print, what are they actually studying? What are they actually doing when they announce we've got a new committee? Who's actually on it? What kind of work are they really doing when they announce that they've got these new standards in place? Hold them accountable. Are they really, are they really find those standards? Are players being helped as much as possible? Are they doing as much as they can for safety? If one paper Roger Goodell to say I have a relentless focus on player health and safety, that sounds nice. It's another thing for them to go on face the nation for a Super Bowl, which is what he did, and say well basically deny that there was a link between getting hit in the head repeatedly in football and long-term brain trauma. [??? 00:34:41]. We know the extent of it. We don't know all the mechanisms but we know there's a way and knowing that is enough to do something and really it's enough to err on the flight of caution. And that's really...I think we should take away with the fact that we

don't know how all of this works with the brain isn't reason for us to be cavalier or to be like, oh, science maybe will figure something out.

[00:35:04]

In the meantime let's just keep on keeping on. I think it's reason for us to be much more cautious and always err on the side of...we all like football, whether it's to play or watch or enjoy but we don't really understand the risk, we just know that it's not enough that we should really be more careful than we've done about it.

Tim Lightfoot. Yeah. We do want these players to have a life after football.

Patrick Hruby. Absolutely, absolutely. There's no amount of glory is worth...I've done so many stories about guys who were in the...guys who are in their 50's and have no memory and their family life has fallen apart. I've talked to, I've talked to guys in their early 30's. These are guys who won't even go on record, they've talk to me about it privately. All they did was play high school football and they've got memory and cognition issues and they're afraid to tell anyone about it because they don't want to lose their job. That's really scary. And then again, I can't tell you how many people like that are out there, I don't know. These are the [??? 00:36:05] that people, like I said, that reached out to me privately but it's...we're not...and you have to remember, [??? 00:36:11] we're not just talking about the NFL. We're talking about college kids that play college football and we're talking about high school and teenagers. We're talking about your sons, your nephews, your brothers. All these people that are sort of in some ways in the middle of a giant [??? 00:36:29] experiment right now.

Tim Lightfoot. Right. And so this really does...can hit home, if you'll pardon the pun I guess, and I think everybody needs to be aware of it and certainly those of us that enjoy football we need to be aware of it. I want to thank you Patrick for being with us today. It's been a great and illuminating talk for us and I hope that the audience has gotten out as much out of it as I have.

Patrick Hruby. Thank you for having me. I really appreciate it.

Tim Lightfoot. You're welcome. And for those of you who are listening, thank you for being with us. Our producer Cheryl she has our Podcast question of the week here.

Cheryl. What committee was formed in the NFL to handle concussion injuries in the sport?

Tim Lightfoot. Great question. Be the first one to e-mail us the correct answer for that. Email it to Huffinespodcast@HLKN.tamu.edu and if you're the first one you will get one of those nifty Podcast tee shirts that we have. Again, thank you Patrick for being with us and thank all of you for downloading us and listening to us this week. We hope that you join us next week when we'll have another interesting individual from the world of sports medicine and human performance on the Podcast and until then we hope that you stay active and healthy.

[00:37:35]