CASEY & DEVOTI

A PERSONAL INJURY LAW FIRM

MAKING A PERSONAL INJURY CLAIM

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Personal injury litigation is complicated. Each personal injury case has its own unique set of circumstances, injuries and challenges that make litigating and trying these cases complex. Between the two of us, we have nearly forty years of experience prosecuting personal injury cases. We firmly believe our success in obtaining fair and just judgments and settlements on behalf of our clients is directly tied to client education and preparation.

When we take a case, we never try for a quick settlement. Rather, we treat each case as if the matter will go to trial—putting forth the maximum effort necessary to educate our clients and prepare ourselves to obtain a successful outcome.

Sometimes the process of filing a claim goes smoothly; other times there are delays, detours and bumps in the road. And while we don't know what roadblocks may arise during your specific case, please know that we will walk with you every step of the way offering expert guidance and reassurance.

We feel the best way to educate and prepare a client for this journey is to explain, in detail, the process of filing a personal injury claim from start to finish. We specifically wrote this 10-step guide with a high level of detail so that you would feel informed and empowered. We hope the information gives you some sense of comfort and clarity during this difficult time.

As always, if you have any questions—please call or email us any time.

Sincerely,

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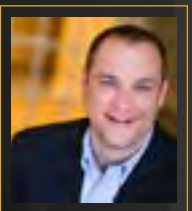

PERSONAL INJURY PRACTICE AREAS:

Car, Truck and Train Accidents
Medical Malpractice and Birth Injuries
Workers' Compensation
Elder Care and Sexual Abuse
Product and Premises Liability
Wrongful Death

PROUDLY SERVING:

Greater St. Louis Metropolitan Area, Southeastern Missouri, Southern Illinois

GUIDE TO MAKING A PERSONAL INJURY CLAIM

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Step 1 – The Event

Nobody likes surprises. In fact, most of us are creatures of habit. We have our daily routine. We take care of our responsibilities. We do what is expected of us.

But, accidents happen. From time to time we find ourselves in the wrong place at the wrong time and—through no fault of our own— an unforeseen, unplanned event thrusts havoc into our lives. When the event results in injury, the consequences may be catastrophic. That's true whether injury results because of an automobile collision, trip or slip and fall, a poorly made product or medical error.

So, what should you do if you or a loved one are injured as the result of someone else's failure to responsibly act?

First, collect yourself. Remain calm. Easy to say, very hard to do.

Second, be a good listener. Or try to be a good listener because listening is tough after being involved in an unplanned for event—especially if you're the one injured as a result of the occurrence.

Next, take note of your surroundings. Look for answers to the questions answered by any good, basic newspaper story—who, what, when, why and how. Ask nearby people to write down for you their names and contact information (phone number, mailing address and email address). Take photographs of items involved in the event, such as the vehicles, the machine, and the scene of the collision, fall or injury.

Fourth, watch what you say to witnesses, bystanders and gawkers. Tensions are often high at a scene. Folks are flustered. Emotions are amped. And, as a result, people often mistakenly recall what others said at the scene of an injury. Don't provide potential witnesses with any words to misremember.

Also, fully and completely cooperate and communicate with first responders, whether the responders are police officers, paramedics, ambulance personnel or fire fighters.

Sixth, stick to the facts when speaking with first responders. Do not draw inferences or conclusions based upon your initial feelings and perceptions. Do not admit fault. Do not comment on fault. Do not speculate. Do not draw or offer conclusions of any kind to any one at the scene about what happened or why it happened.

Seventh, act cautiously when it comes to seeking medical care. Accept the first responder's offer to call an ambulance, the paramedic's offer to be examined, the ambulance driver's offer to take you to the emergency room.

Finally, answer as specifically as possible any questions asked of you by emergency room personnel. Provide information that is as detailed as possible. The emergency room examination is not the time to be tough and display your stiff upper lip. Rather, use the experience as an opportunity to catalogue all issues that ail you without regard to the severity of the symptom.

Step 2 – The Report

You are injured. Something happened, something for which you hadn't planned. Another person chose to unsafely act and, as a result, you were injured or harmed or suffered some identifiable loss.

What's next? What must you now do?

First, collect yourself. Reflect on what happened. Take time to put pen to paper and record your memory and recollection of the events leading to your injury.

Next, report the event that caused your injury. The report should be made to the person that irresponsibly acted. Report the event to that person's employer and their insurer, if known. And, report the event to the proper governmental authority—such as your local police department.

The report should be made in a timely manner. Prompt reporting of the event that caused you injury is important for a couple of reasons. Prompt notice provides the responsible party the

Step 2 – The Report *(continued)*

ability to timely verify the occurrence and scene before witnesses, memories and evidence fade. Prompt reporting also telegraphs the seriousness of the events and resulting injury; past experience—and perception—suggest that seriously injured victims immediately report to the proper parties the happening of the events leading to the injury—so that witnesses, statements and evidence may be collected and confirmed.

Detailed reporting of the event is also essential. Your report must include information about:

- The identity of the people and things involved in the event
- The location of the circumstances leading up to, through and after the event
- The day and time the event happened

A report of the event must be promptly made to a governmental authority if the events occur in a public place or require an emergency medical response. Once on the scene, the police should conduct a basic investigation that will compile much of the information that will eventually be used to press your claim.

If provided the opportunity, the police will also seize essential evidence. This evidence may include the thing that caused you injury, documentation of the scene through the use of photography and satellite (GPS) measurements, and statements from witnesses.

Further, keep notes of everyone you speak with about the events leading to your injury. These notes must include:

- The identity of the person with whom you spoke
- Their contact information (phone number, email address, mailing address)
- Their employer (whether an insurance company, investigator or police department)
- Report number

Always ask for a copy of any report made of the incident that caused you injury. Police departments will provide the report to you at a nominal cost. Businesses should provide the information as a courtesy to you, their injured customer and patron.

Finally, any report should include only the facts about the injury you suffered and the symptoms you experience. Never provide information about prognosis or treatment plan to the person that harmed you, her employer or an insurance company. Never guess at how long you may treat or the severity of your injury.

When in doubt, immediately seek legal counsel. An experienced personal injury lawyer will lead you through the reporting process and answer any questions you have.

Step 3 – Caring for Yourself

You are injured because someone chose to act in an irresponsible manner. You went to the emergency room after the event, but you continue to hurt. In fact, you're experiencing symptoms that interfere with your ability to do those things demanded of you on a daily basis.

What do you do?

In short, you must care for yourself. Your priority—your primary job—in the days, weeks and months after an injury is to do everything in your power to get better.

How do you that? Well, first, you must seek appropriate medical care and treatment, acting as you would if you didn't have a personal injury claim. In sum, you must act as you would if you weren't hurting because someone else harmed you.

For most folks, that means making an appointment with your family physician. For others, it may

Step 3 – Caring for Yourself *(continued)*

mean establishing care with a primary care physician or visiting your local urgent care center. Do so and, when you speak with your physician and her staff, be prepared to be as specific as possible about:

- Those parts of your body where you're experiencing symptoms
- Those symptoms that you're experiencing
- When you're experiencing the symptoms
- How those symptoms affect those things you do on a daily basis

It is important to be as detailed as possible about what parts of your body are bothering you. Telling your provider that "my low back hurts" doesn't shed much light on your condition. You must be specific; for instance, "my low back bothers me; I have a dull pain that starts at my beltline, moves through my butt, around my right hip and down my thigh to my right knee." Such a description assists your provider in diagnosing your condition and helping you find a solution to your problem.

Further, be prepared to identify all symptoms that you experience. It's important to tell your providers of pain you feel. But, it's equally as important to tell her of other symptoms that trouble you, whether those are numbness, tingling or shooting sensations, weakness or tiring unusually quickly or whatever bothers you. However, do not exaggerate, embellish or amplify your symptoms.

Based upon her examination and conversation with you, your doctor will recommend a certain course of treatment. It is imperative—absolutely essential—that you follow all recommendations made by your providers, including those for tests, referrals to specialists and direction as to therapy. Provide advance notice to the provider if you cannot make an appointment and promptly reschedule.

Finally, handle your medical expenses as you would if you didn't have a claim. If you have health insurance, direct your provider's billing office to submit their charges through your health insurer. Pay any co-pay or deductible for which you're responsible. Keep track of any money paid out-of-pocket and any account balances you're not able to pay as you go.

You do have options if you don't have health insurance. Many providers will work with you on a payment plan. Those same providers may also agree to treat you on a "lien basis" once they learn that you were injured as a result of someone else's conduct. Speak with a lawyer about the provider's rights and your responsibilities should treatment be provided under a lien.

Step 4 – Finding a Lawyer

You suffered an injury as a result of poor choices made by another. How the injury happened doesn't matter. You're hurt, have questions, feel overwhelmed and want direction as to your rights and responsibilities.

You need to speak with a lawyer. But, you've never been in this situation before and are not sure how to start searching for counsel that can efficiently and effectively help you.

There are several good ways to find a lawyer, the best of which may be through word of mouth. For instance: Do you know someone who's been injured and retained counsel? Start with that person. They're your best resource as they have personal experience dealing with legal counsel in

a situation similar to that which now confronts you. Ask that person what:

- They liked about their lawyer
- They believe the lawyer did well
- Their constructive criticisms of their former counsel
- They think about his communication skills

Do you have a lawyer in the family or one who's a close friend? That person is also a good resource. Some of our best referral sources are defense lawyers—folks who've been our adversaries. They've watched us work up cases, take depositions and, in many cases, try a matter to verdict before a jury.

In today's world, the internet is also a potential source. But, beware. Some lawyers are masters at creating an electronic profile unsupported by real world experience. In this situation, you must carefully interview counsel.

Remember, you are a consumer—a consumer of legal services. Any lawyer you retain works for you. You are the employer and, like any potential employer, must question candidates to ensure their fit with you and your situation. The interview should be face-to-face. And, you must get answers to the following questions before retaining counsel:

- What is your experience handling my kind of matter?
- What do you see as the main challenges to me being successful in my case?
- How versed are you in the medical issues that exist?
- Who will be handling my case? What is your role in my matter?
- What is your experience trying cases to a conclusion before a jury?

Success at trial is important. But, don't be swayed by a gaudy "won-loss" record. Some lawyers refuse to try difficult cases. Others threaten to withdraw from a case if the client refuses to accept the last pre-trial settlement offer. An anecdote about a successful advertiser in town suggests that as a young lawyer, the advertiser, would tell his clients how excited he was to try their case as he had never tried a case before; of course, the clients would take the last, best offer and resolve their dispute.

And, of course, you can always reach out to those advertisers—the lawyers who dominate television, billboards and the sides of buses. Stay away from these folks; they are first and foremost businessmen. Their practice isn't dependent upon you and the quality of legal provided by them to you. They rely on the strength and volume of their advertising to sustain their practice—not the referral of former clients, other lawyers, friends, family and the community at large.

Step 5 – Making the Claim

Many weeks and months have passed since your injury. You're feeling better, but not your old self. You retained counsel and expect that your claim may be in a position to try to resolve in the future. But, you're not sure of what's involved in making the claim or when the claim may be made.

So, what's involved in the making of your personal injury claim?

First, with a handful of exceptions, you must be finished treating those symptoms associated with your injury. There are two reasons for making a claim only after you've completed your medical care:

- The permanency of your symptoms is an essential component in determining the value of your claim
- The value of the treatment you receive is another important variable in setting value

The symptoms resulting from the injury must be identified and classified. Symptoms may include pain, discomfort, numbness, tingling and loss of feeling. Your pain may be further described, ranging from dull, gnawing and radiating to sharp and shooting. You may also experience weakness, lack of strength or fatigue or some other symptom particular to your injury.

It's also important to identify the frequency and severity with which you experience the sensations. Some folks have constant complaints, present from the time they wake until the time they place their head on their pillow at night; others feel certain symptoms only when they engage in particular activities, like climbing steps, standing, sitting or reaching above their heads using vibrating tools.

Of course, some injuries result in symptoms that demand treatment into the indefinite future or, in the worst case, for the remainder of the victim's life.

Often, medical testimony is necessary to establish how and to what extent a victim will experience her symptoms. Most physicians are leery of directly working with their patients in putting together the appropriate statement; in such cases, your lawyer will collaborate with your doctor to memorialize his opinions in the correct form and format.

In Missouri, setting the monetary value of your treatment is not as easy as one might assume. Juries often hear two numbers at trial: (1) the amount charged by the victim's providers for her care and (2) the amount accepted by those same providers to resolve their account balances. For all practical purposes, insurers typically only consider the "amount accepted" during pre-suit settlement negotiations.

Another variable to be considered is the effect the injury had on the victim's ability to work, labor and earn a living. Contact must be made with your employer to confirm these consequences. Ideally, the employer will write a report confirming your position, duties and responsibilities, the physical demands of your job, your rate of pay and the dates which you missed from work because of the injury. This data may be used to calculate the monetary loss you suffered as a result of your inability to work.

And, attention must be paid to various consequences that may result from an injury that may be difficult to value. These damages may include: embarrassment, humiliation, annoyance and frustration resulting from the harms caused by the negligent party's action.

Veteran personal injury counsel plays a key role in the valuation of these types of damages. Experienced trial counsel rely upon their experience trying and settling jury cases to estimate the value of these damages. Our preferred way to express a value to our clients is to propose a range, meaning a spectrum in which a jury might value the type of damages at issue.

Only injury lawyers that have tried cases to a jury, spoken with jurors after their rendering of a verdict and traded experiences with other trial counsel can effectively value these types of damages.

Eventually, a formal claim will be made to the responsible party's insurer or corporate representative. The claim is submitted in writing, often in the form of a "package."

An effective package will include:

- Reports from any governmental agency that investigated the occurrence
- Photographs of the vehicle, product or thing involved in the underlying occurrence
- Photographs of the scene of the occurrence
- Written documentation of every harm and loss claimed by the victim
- Copies of records describing relevant medical care and treatment provided to the victim
- Itemized billing statements corresponding to the medical records
- Reports from medical professionals connecting the harms claimed by the victim to the occurrence
- Appropriate investigatory materials that support the victim's allegations of negligence and liability as well as damage

The package is accompanied by a settlement demand. The settlement demand is the statement made by the victim's counsel indicating the amount of money the victim will accept to compromise or otherwise resolve her claim short of a lawsuit.

Counsel almost always makes the initial demand for more money than he believes the insurer or responsible party will eventually pay. In most cases, custom dictates a certain amount of negotiation prior to settlement.

Our practice in my office is to attempt to resolve the case prior to suit through the transmission of a settlement package. Suit is then filed if a reasonable result cannot be reached or our client is simply not satisfied with the last offer following discussion with counsel.

Step 6 – Filing Suit

You were unable to settle your case short of suit despite your counsel's best efforts and your willingness to compromise. Your lawyer put together a package setting forth the other party's fault and the harms and losses resulting from his choices. Unfortunately, a significant difference of opinion exists as to the value of your claim and, as such, you and the other party were unable to resolve your dispute.

You don't want to incur the time, energy and expense associated with litigation. But, you also don't want to sell your claim to the adverse party or its insurance company short of the claim's value. Your lawyer recommends you bring suit. So, what's entailed in the filing of a lawsuit?

First, your lawyer must draft the document or pleading necessary to bring your case. In Missouri, that pleading is called a "petition" and in federal court it is called a "complaint." In both cases, the pleading identifies the parties to the action, the circumstances surrounding the dispute, and the damages resulting from the choices made by the parties.

The person filing the petition is called the "plaintiff"; the party against whom suit is brought is called the "defendant." Importantly, the petition must allege how the choices made by the defendant harmed the plaintiff. Your case begins with the filing of the petition or complaint.

The plaintiff must file the petition in the appropriate court. Missouri courts are divided into circuits. These circuits may include all courts located in one county (like the City of St. Louis, St. Louis County or St. Charles County) or multiple counties. Typically, a case alleging personal injury must be filed in the county where the plaintiff was harmed. Once the plaintiff files the petition, the Circuit Clerk prepares a document called a "summons." The summons tells the defendant that it has been sued and provides direction about how and when to respond.

In most cases, the summons is delivered to the defendant by the county sheriff. This action is called "service." The sheriff has 30 days from the date the clerk prepares the summons to serve the summons on the defendant. Once served, the defendant has 30 days to formally respond to the petition and the allegations made against it by the plaintiff.

If it is insured, the defendant should provide the petition and summons to its insurer. The insurer will then hire legal counsel to defend the defendant—its insured—and that lawyer will prepare the appropriate document responding to the plaintiff's allegations. That document is called a "responsive pleading" and, in most cases, is titled "answer" because it literally answers the allegations. If the defendant is not insured, the defendant must find and hire its own counsel. Again, that lawyer will file the responsive pleading on behalf of her client.

However, defense counsel sometimes believes that the petition's allegations simply are not sufficient to make a case against her client. In this case, defense counsel will file a motion asking the trial court to dismiss the case. These motions are fairly rare and, when meritorious, are often met by a motion made by the plaintiff's lawyer asking the trial court's permission to revise or "amend" the petition through the addition or tweaking of its allegations.

There is a cost to the bringing of a case. Those costs include both that associated with the filing of the case with the court clerk as well as the fee paid to the sheriff to serve summons on the defendant. In Missouri, those costs vary from circuit to circuit but typically run at least $170. The costs are quite a bit more for cases brought in federal court, which can be in excess of $400.

Step 7 – Discovery

You sued the person that caused you injury. Most folks dread the thought of filing suit. A lawsuit is a public proceeding. Public records are created. Many individuals hate the idea of asking others for help, much less speaking to people they don't know about their problems. The act of bringing a suit opens your life for examination and criticism through the discovery process.

Discovery is a necessary part of all litigation. Discovery entails that stage of the suit in which each party takes the opportunity to learn the others' respective positions. During discovery each party attempts to learn as much as possible about their adversary's allegations, their defenses and responses to those allegations, the basis for their positions, the identity of witnesses known to them, and documents and things that will be used at trial should the case proceed to that stage.

In sum, the purpose of discovery is to gather information to remove any surprise when the case is tried to either a judge or jury.

Discovery in most cases begins with each party sending to the other basic requests for information. These requests come in two forms: written questions, called "interrogatories," and demands to produce material things, called "requests for production." Typically, these initial requests are very basic and not personal to the particular case. In fact, in Missouri, many circuits require the parties serve "form" questions before sending interrogatories specific to the matter at hand. In these cases, the questions are "court approved," meaning that they must be answered.

Counsel has several options to learn more specific information once this basic discovery is answered. Depending upon the circumstances, counsel may request the opportunity to formally visit the scene of the harm to both observe the scene as well as take measurements and photograph it and those things involved in the occurrence.

In an injury case, the parties always trade medical records and related itemized billing statements. Medical records are those documents that describe the care and treatment provided to the victim following her injury. In Missouri, the defendant has a right to obtain records that describe care provided to the plaintiff for those injuries she claims in the case. The defendant may also get records describing care provided to the plaintiff before the occurrence that deal with illness, injury or disease to the body parts she claims were harmed by the defendant.

In the usual case, counsel will also depose all parties and witnesses to those issues at dispute in the case—whether those issues arise from arguments about liability and fault or the plaintiff's injury. A "deposition" is a statement taken under oath. During the deposition, one or more lawyers ask questions of the person being deposed, called the "deponent," while the deponent answers questions. The parties retain the services of a court reporter to memorialize the conversation; the proceeding starts with the reporter placing the deponent under oath. Sometimes, the deposition is recorded so that a video record of the conversation exists. The video may be used for various reasons later in the case, including being played at trial should the deponent not be available to testify live.

In most cases, every party's lawyer attends each deposition as each lawyer has a right to ask questions of every witness. In addition to be an opportunity to learn what the deponent "knows and doesn't know," the deposition also gives counsel the chance to observe the deponent's demeanor and body language.

Prior to your deposition, your lawyer will prepare you. Your lawyer will provide you more detailed information about the process and review your memory of those matters at issue in the case and disputed by the other party.

Step 8 – Settlement

The reality is that the vast majority of personal injury claims settle. Settlement occurs when the parties agree to resolve their dispute short of a judgment. Most injury cases may be tried to either a judge or jury. When a case settles, the parties end the claim and avoid the time, energy, stress and cost associated with trying a case to conclusion.

Settlement amounts to a compromise. One party agrees to accept an amount of money usually less than the maximum value of her claim, while the other pays an amount of money more than its best case scenario. In essence, both parties are choosing to resolve the claim for less than their optimal result.

Claims settle for a variety of reasons. Most often, claims resolve because the parties recognize the risks and benefits of incurring additional expense litigating the dispute and trying the case to conclusion. Trials are expensive. Defense counsel and expert witnesses must be paid. Clients must be present throughout the trial, forcing them to miss work and make alternative arrangements for their outside obligations. Juries are also unpredictable. Once submitted to the jury, the case is entirely in its hands and outside the control of the parties, their counsel and even the trial judge. Juries are extremely powerful. Missouri courts very rarely set aside verdicts made by juries following their deliberation.

Claims also resolve via settlement when insurance proceeds are limited and little dispute exists that the value of plaintiff's claim exceeds the amount of those funds. In this case, the insurer limits the personal liability of its insured by paying the limits of its policy to the injured party.

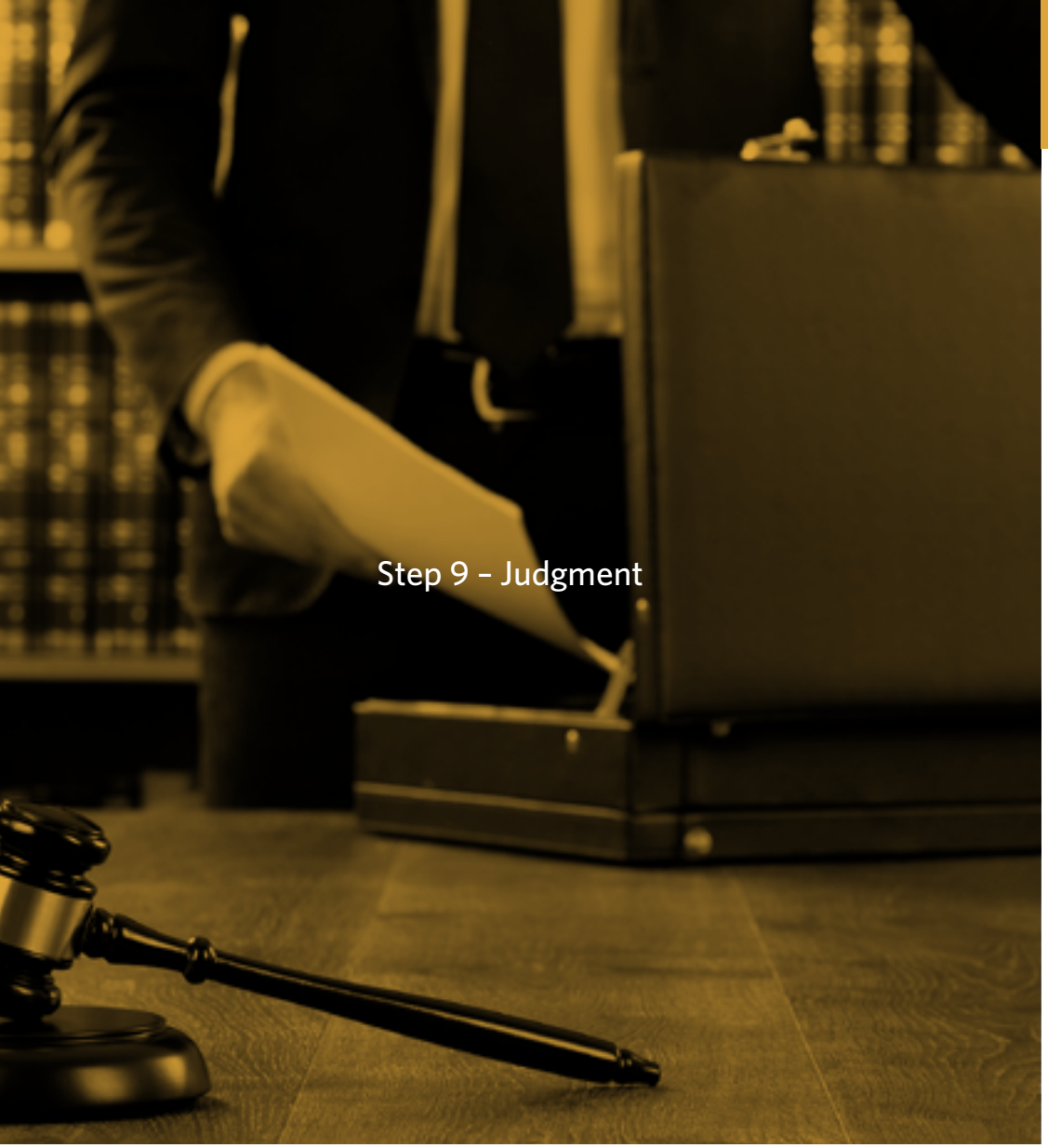
Claims also settle at various times. Usually, claims settle when both parties to the dispute believe that they have enough information to adequately evaluate the claim's value. Sometimes, this occurs very early, especially when fault is clear, the victim has suffered significant harm, and the availability of insurance is limited. Other times, serious settlement discussions don't occur until discovery is complete and the parties are awaiting trial. From time to time, cases settle during trial as the parties have had an opportunity to actually observe the evidence and the jury's reaction to it and the witnesses.

The settlement of your claim amounts to a final resolution of your dispute with the party that caused your harms and losses. This is an essential point for all plaintiffs to realize. You will receive money. In return, the defendant receives a waiver from further liability. In fact, the defendant will require you to sign a document called a release. The release provides that, in exchange for the payment of a certain sum, the injured party is relinquishing her right to further litigate any claims she may have against the defendant and his insurer and have a jury decide issues of liability and damage.

Typically, you will receive your funds four to six weeks following the execution of all necessary paperwork. The check issued by the defendant or its insurance company will be made payable to you and your attorneys. You will then need to work with your lawyer on the mechanics of paying the agreed-upon attorneys' fee and reimbursing counsel on expenses incurred in the prosecution of your claim.

In most cases, you are responsible for satisfying all liens and paying any balances remaining on your accounts with those health care providers that treated you. A lien is a claim made by a healthcare provider pursuant to statute; under Missouri law, your counsel must make sure that all liens are paid from any funds that cross through his hands before he pays funds to you.

The plaintiff's lawyer must not concern himself with medical balances when the provider has not filed a statutory lien. However, it is the injured person's responsibility to make sure that the balances are negotiated or otherwise paid or otherwise risk the filing of a collection case. As a courtesy, many plaintiff's lawyers will help you negotiate these account balances or, at the least, directly make payment to your providers out of the settlement funds if you ask counsel to do so.



Step 9 – Judgment

Cases that proceed through trial always end in the same way—a "judgment." The judgment is the entry made by the trial judge bringing the case to an end. The judgment states which party won the dispute, which party lost and who owes what amount to the other.

In a jury trial, the judgment is always preceded by a "verdict." The verdict is the result of the jury's deliberation. In Missouri, the verdict is made on a form provided to the jury by the trial court. The "verdict form" must be signed by all jurors who agree with the verdict. On the form, the jurors indicate their finding as to who won, who lost and—if the verdict is in favor of the plaintiff—the value of the harms and losses which she suffered because of the defendant's choices.

Juries in civil cases tried in Missouri consist of 12 jurors and, often, an alternate or two. However, only 12 jurors deliberate about the case; the alternate jurors are released from their service prior to jury deliberation. Alternate jurors deliberate as part of the jury only when one of the jurors is unable to complete his service. Nine jurors must agree for a jury to come to a verdict in a civil case, including those involving personal injury. Any juror who agrees with the jury's verdict signs the verdict form.

Cases tried in federal court are slightly different. Federal juries must consist of at least six people. Again, an alternate juror or two hears the evidence. However, in a federal case, all jurors deliberate, including the alternate jurors. And, all jurors must agree for a jury to come to a verdict in a civil case; the verdict must be unanimous.

In fact, the verdict form is one of several "instructions" provided the jury by the trial court for its consideration during deliberation. These instructions are put together by the trial judge with the assistance of the parties' counsel. Usually, plaintiff's counsel takes the lead in drafting the jury instructions. Once prepared, the instructions are shared with defense counsel and the judge. Both Missouri and federal law provide the defendant the opportunity to challenge the instructions and offer its own alternatives. The trial court ultimately decides which instructions are submitted to the jury to guide its deliberations.

Some cases are not tried to a jury. In those cases, there is no verdict. Rather, there is only the judgment. Again, the judgment is made by the trial judge.

Judgments entered in cases tried to a judge, also known as "bench trials," are typically more detailed than those following jury trial. In these judgments, the trial judge often includes citations to the statutes and cases that guide his decision and the facts that he found persuasive in coming to his conclusion. In these judgments, the judge is providing detailed explanation as why he found in favor of one party versus the other.

In most cases, the judgment ends the trial court's involvement in the case. In fact, in Missouri, the judgment becomes "final" 30 days after it is entered by the trial court.

Once final, the judgment may be appealed by any party. Also, once final, the plaintiff may take actions to collect the judgment if the judgment is in her favor.

Choices made by another injured you. You required medical care and, for a period, were unable to work. Eventually, you retained legal counsel and attempted to settle your claim. You filed suit as you were unable to amicably resolve your dispute with the other person's insurance company.

You made it through trial with the assistance of your lawyer. The trial of your case was tough. You faced the stress of the unknown. And, as expected, defense counsel zealously defended his client, challenging various aspects of your claim. At the end of the trial, the jury found in your favor and awarded a sum of money compensating you for those harms and losses you suffered.

You thought the claim process was over. But, it's not. In fact, your lawyer tells you that you're entering another phase of the process—the process that follows judgment or "post-judgment" process.

In Missouri, every party to a suit has the right to challenge the judgment through appeal. The appellate process entails asking a higher court—called the "Court of Appeals"—to negate the judgment entered by the trial court. If successful, the appealing party wins the opportunity to re-try her case before the trial court.

However, a party cannot directly appeal a judgment based upon a jury verdict. Rather, the party must first give the trial judge an opportunity to correct the error she believes that resulted in the adverse decision. This is done by filing a "motion for new trial." The motion must bring to the judge's attention each legal error the losing party believes occurred during the trial. In addition to pointing out the errors, the party must also explain to the judge how the errors "prejudiced" the jury's verdict. In sum, the losing party must show both the existence of an error and that the error materially affected the trial's outcome.

If successful, the motion will result in a new trial. Following hearing on the motion, the judge will grant the losing party a new trial and schedule the case to be re-tried.

All is not lost if the motion for new trial is not successful. The losing party may then appeal to the higher court. The appellate process starts with the filing of the "Notice of Appeal." The party filing the Notice is called the "appellant." The appellant files the Notice with the trial court's clerk. The Notice identifies those errors which prejudiced the jury's verdict. Typically, the errors cited in the Notice mirror those identified in the motion for new trial. The losing party must not pursue all errors she argued in her motion for new trial. However, she cannot add errors to the Notice which she did not bring to the attention of the trial judge in her motion for new trial.

Once the Notice is filed, the appellant must begin the process of compiling all the written materials that are necessary for the Court of Appeals to consider her claims of error. Missouri law requires the appellant to always file certain documents—documents like the pleadings and the trial court's docket sheet. The transcript of the trial is also often filed. The rest of the materials depend upon the issues on appeal. These materials are compiled and filed together. The compilation is called the "Record on Appeal."

Missouri law provides the appellant 180 days to compile and file the Record. Once done, the opposing party or "respondent" may supplement the record, if necessary.

Thereafter, each party prepares and files their own "brief." The job of the brief is to argue in detail why or why not the case should be re-tried. Briefs are typically very extensive. Briefs must bring to the appellate court's attention the statutes, rules and cases that speak to the dispute as well as specifically reference the documents and transcript portions that support their position.

Both parties have the right to orally argue their positions to the Court of Appeals. This process is called "oral argument." A "panel" or group of three judges hear most cases. Counsel take turns presenting their argument to the panel, with the appellant always presenting first and, in most cases, last. Usually, the parties are given no more than 15 minutes to present their side. During the argument, the appellate judges may ask questions.

Cases are taken "under submission" by the panel, meaning that the panel never announces their decision at or immediately after oral argument. Rather, the panel will issue an order. The order tells the parties how the appellate court rules on the issues. Sometimes, these orders are extensive, providing specific direction on why the appellate court finds the way it did. These orders are called "opinions" and are published for future reference by other parties.

The order always tells the parties how the case is disposed. The order's direction that the judgment is "reversed and remanded" means that the appellate court finds in favor of the appellant and that she is entitled to a new trial; the case is "remanded" or returned to the trial court for further action. The direction that the judgment is "affirmed" means that the appellant loses and the trial court's judgment stands. Once affirmed, the trial court's judgment is final.

The typical appeal takes about one year from filing of the Notice to entry of the order following argument.

In limited situations, the losing party may appeal the Court of Appeals' decision to the Missouri Supreme Court. However, the losing party doesn't have an absolute right in most cases for the Supreme Court to hear its dispute. Rather, the losing party must show the Supreme Court that there is something novel about the dispute that justifies the Supreme Court hearing the case. This process is called "transfer."

The Supreme Court accepts very few cases.

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