



Personal Injury Checklist

Essential steps to protect your health, your rights, and your claim in Missouri and Kansas.

1 IMMEDIATE SAFETY AND MEDICAL CARE

Your health is the absolute top priority. Furthermore, your medical records serve as the foundation of your legal claim.

- **Call 911:** Report the accident immediately to get police and emergency medical services on the scene. Police reports are vital evidence.
- **Seek immediate medical attention:** Even if you feel fine. Adrenaline can mask severe injuries like whiplash or internal bleeding. Go to the ER or urgent care right away.
- **Follow your doctor's orders strictly:** Attend all follow-up appointments, complete physical therapy, and take prescribed medications. Insurance companies look for "gaps in treatment" to argue that you are not seriously hurt.
- **Report the injury (if applicable):** If it was a workplace injury, report it to your employer immediately in writing. Missouri law requires you to report workplace injuries within 30 days to qualify for workers' compensation.

2 SCENE AND EVIDENCE DOCUMENTATION

Evidence disappears quickly. What you document in the hours and days following the injury is critical.

- **Take extensive photos and videos:** Capture the accident scene, property damage, the hazard that caused your injury, and your visible physical injuries.
- **Gather witness information:** Get the names, phone numbers, and emails of anyone who saw what happened.
- **Preserve physical evidence:** Keep the shoes you were wearing in a slip-and-fall, torn clothing, or a defective product that caused the injury. Do not alter or throw these items away.
- **Keep all receipts:** Save every bill, receipt, and invoice related to medical care, home modifications, towing, rental cars, and out-of-pocket expenses.



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3 COMMUNICATION AND INSURANCE

How you communicate with insurance adjusters can make or break your case. They are trained to minimize company payouts.

- **Notify your own insurance:** Inform your auto or health insurance company about the accident, but stick strictly to the basic facts: time, date, and location.
- **Do NOT give a recorded statement to the at-fault party's insurance:** You are not legally obligated to do this without an attorney present. Adjusters will often use your words out of context to shift blame onto you.
- **Stay off social media:** Do not post about your accident, your injuries, or your daily activities. A single photo can be used by the defense to argue your pain and suffering is exaggerated.
- **Do not sign any initial settlement offers or medical releases:** Insurance companies often offer a quick, lowball settlement before you know the full extent of your long-term medical costs.

4 NAVIGATING STATE-SPECIFIC LAWS

The state in which the injury occurred changes everything. You must know which laws apply to your accident.

Statute of Limitations — Your Deadline to File

- **Missouri:** You generally have five (5) years from the date of the injury to file a personal injury lawsuit.
- **Kansas:** You generally have a much shorter window of two (2) years from the date of the injury. Missing this deadline means your case will be dismissed.

Comparative Fault — How Shared Blame Affects Your Recovery

- **Missouri (Pure Comparative Fault):** You can recover damages even if you were primarily at fault. If you are found to be 90% at fault, you can still sue the other party for the remaining 10% of your damages.
- **Kansas (Modified Comparative Fault — 51% Rule):** You can only recover damages if you are less than 51% at fault. If a jury finds you were 51% or more responsible, you recover \$0.



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5 LEGAL REPRESENTATION AND THE LAWSUIT PROCESS

Because the laws differ so drastically across the state line, having local expertise is not optional — it is necessary.

- **Hire a dual-licensed attorney:** If you live in the KC metro, look for a lawyer licensed in both KS and MO. They will investigate the claim, gather expert witnesses, and handle all communications with the insurance company.
- **Prepare for the Demand phase:** Once you reach Maximum Medical Improvement (MMI) — meaning you have healed as much as you ever will — your lawyer will send a Demand Letter to the insurance company outlining your damages and requesting a specific financial settlement.
- **Prepare for Litigation and Discovery:** If the insurance company refuses to pay a fair amount, your lawyer will file a formal lawsuit. You will then enter Discovery, where you may have to answer written questions under oath (Interrogatories) or give spoken testimony (Depositions).
- **Maintain a Pain Journal:** Write down how your injuries impact your daily life, mood, sleep, and ability to work. This provides your lawyer with concrete examples of your pain and suffering when presenting your case to a mediator or jury.

EXTRA NOTES

You deserve clarity, representation, and a full pursuit of what is right.

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