

CATASTROPHIC INJURY IN MISSOURI

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Wesley A. Cottrell



Serious injuries generally result in physical injury, emotional injury and economic loss. Catastrophic injuries are unique because they result in more serious injury, and often permanent disabilities. Catastrophic injuries tend to have a more substantial impact on the victim and his or her family. However, injuries do not have to be permanent to be considered catastrophic. But even catastrophic injuries that are not permanent still require long-term recovery.

What is a catastrophic injury?

There is no standard legal definition of "catastrophic injury," however it is generally accepted that a catastrophic injury is one that severely injures someone and leads to long-term, if not permanent, disability and disfigurement. Catastrophic injuries often involve a difficult recovery process, multiple surgeries,

and probably a lifetime of medical treatment. Often, a victim suffering a catastrophic injury may be unable to return to work for an extended period of time, if at all.

It is common for catastrophic injuries to make even the most basic daily tasks too difficult to complete without assistance. Catastrophic injuries result in overwhelming medical expenses, from which most families are unable to recover. The good news is that victims of catastrophic injuries, as well as their families, are typically entitled to substantial compensation.

Common Types of Catastrophic Injuries

Some of the most common types of catastrophic injuries include severe injuries



to the neck or back, which result in trauma to the spinal cord. Severe damage to the brain can also be catastrophic when it results in permanent physical and/or mental disability. Serious burns resulting in permanent disfigurement, or nerve damage, are also common.

When internal organs are permanently damaged or if there are multiple bone fractures that result from the same traumatic event, those injuries usually result

in serious long-term effects. In fact, many victims of multiple fractures never fully regain their strength or mobility, leaving them with lifelong physical disabilities. Victims of partial or complete amputations are often unable to return to work and their medical expenses, including the cost of prosthetics, are normally substantial.

Causes of Catastrophic Injuries

Catastrophic injuries have numerous causes. The most common causes are



motor vehicle accidents, industrial and construction accidents, and falls. Other common causes are acts of violence, sporting accidents, diving accidents, injuries

from falling or flying objects, and injuries occurring during military incidents. Acts of medical malpractice, such as brain damage due to negligent surgery, or unnecessary amputation, can also result in catastrophic injury.

Compensation for Catastrophic Injuries

Proving the extent of an injury is always challenging in any type of lawsuit. With catastrophic injuries, the proof necessary can be even more difficult. Clearly,



catastrophic injuries have a huge impact on the lives of both the victims and their families. In many cases, psychological trauma, as well as serious physical injury, will result.

Luckily, victims of catastrophic injuries have the right to seek monetary compensation for their injuries and other losses. The damages they can recover include medical expenses (both current and future), cost of rehabilitation services, lost wages (both current and future) when applicable, permanent disability coverage, and compensation for pain, and suffering and mental anguish.

If you or someone you know has suffered a catastrophic injury, the first step is to achieve the highest level of recovery possible. When full physical recovery is not possible, as is usually the case with catastrophic injuries, rehabilitation

services and vocational programs will likely be needed to help you regain the best quality of life possible.

The importance of documenting residual injuries

If you have a residual injury, be sure that your doctor mentions in your medical records that you may have a permanent or residual effect. This documentation will be very important when it comes to supporting for your damages claim. The simplest way to get your doctor to include a notation in your records about a residual injury is to ask that such a notation be added.



When the end of your treatment is approaching, ask your doctor for his or her opinion about the likelihood that you may have recurring or degenerative medical issues as a result of your injuries. The term “degenerative” means problems that reveal themselves later in life. If your doctor believes that you will, ask him or her make a note of it in your medical records. It is perfectly acceptable to inform

your doctor that you want the notation made in order to support your insurance claim against the person who caused your injuries.

Recovery from catastrophic injuries can be very difficult

The pressure on victims and families in the wake of such injuries can be overwhelming. Even where the prognosis for recovery is positive, the process



required to achieve that recovery may be exceptionally arduous on both the patient and his or her family. Medical specialists, physical therapists, psychologists, and others, using a team approach to treatment, may be needed to accomplish sufficient results.

One aspect of catastrophic injury lawsuits requires detailed financial projections of the future costs associated with long-term medical expenses, the amount of the individual's lost income, projected loss of future income, and the value placed on his or her pain, suffering, emotional trauma, and loss of enjoyment of life. Our

firm is experienced in handling all of these complex factors in any catastrophic injury case; we are committed to fighting aggressively to secure the financial future of injured persons and their families throughout Missouri and Arkansas.

About the Author



Wesley A. Cottrell

Wesley A. Cottrell has been successfully practicing law for over 29 years. Born in Springdale, Arkansas and raised in Baxter Springs, Kansas, Wes is licensed to practice law in Arkansas, Kansas, Missouri, and Oklahoma.

Wes earned his B.A. from Pittsburg State University in 1981 and his J.D. from the Washburn University School of Law in Topeka, Kansas in 1985. He was admitted to practice law in Kansas in 1986, in Missouri in 1987, in Arkansas in 1989, and Oklahoma in 1993.

He is licensed to practice law in the United States District Court for the District of Kansas, eastern Arkansas, western Arkansas, and western Missouri. He was Deputy Prosecuting Attorney in Crawford County, Kansas from 1987-1989.

Wes lives in Rogers, Arkansas with his wife, Shelly, and their two daughters, Kennedy and Gabby. He is active in his community, and is regularly asked to teach courses to other attorney on personal injury and workers' compensation litigation.

Memberships and Associations:

National Organization of Social Security Representatives
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