

Slip and Fall

Chapter One

Slip and fall is known in the legal world as premises liability. Premises liability is an area of law that deals with getting hurt on someone else's property or some business' property. The most common form of this are slip and fall or trip and fall accidents at a business, but there are other forms of premises liability as well, including, but certainly not limited to, accidents at hotels, bars and nightclubs, apartment complexes, and city sidewalks. Premises liability cases are those where the owner can be held accountable for accidents that occur on their property due to unsafe or hazardous conditions.

If you have been hurt at someone's business, chances are you were asked to fill out some paperwork called a "claim form." On this claim form, you had to list your name and contact information and how the incident occurred. Then the company will do an investigation. To win such a case, the person bringing the lawsuit must prove the following in his or her case:

- The owner must have caused the problem or allowed it to occur through neglect, whether it was a spill on the floor, or the broken floor.
- The owner either must have known or should have known the hazard existed.
- It was not a known or obvious defect. In other words, it was not something you should have missed.

Property owners and landlords are responsible for addressing and resolving any unsafe conditions. They are required by law to remove hazardous substances or conditions and keep you safe against potential accidents.

Common Premise Liability Injuries

If you have been injured on someone else's property or at someone's business, then you may have suffered one of the following injuries:

- Broken bones
- Soft tissue injuries
- Fractures
- Death
- Back injuries
- Knee injuries
- Traumatic brain injuries

Injuries of this serious of a nature rarely just heal on their own. Rather, they require medical attention to address them. Medical specialists such as osteopaths, physiatrists, and chiropractors can help you get back to the path to health after suffering a serious injury on someone else's property.

Exceptions to Liability

Winning a premises liability case can be challenging because there are legal arguments the defendant can make that have consistently held up in court. Among them are:

- You knew ahead of time about the danger that led you to be hurt
- The danger was considered “open and obvious,” meaning anyone could see it
- The owner of the property or business where you were either didn’t know or reasonably could not have known about the danger that hurt you
- You caused your injury by not using the premises correctly

Open holes or extremely raised sidewalks, for instances, could be examples of “open and obvious” dangers where the injured person either knew or should have known that there would be a problem if they didn’t avoid the open and obvious hazard.

How The Jackman Law Firm Can Help

If you have been injured on someone’s property or at their business, you may have a claim against them to recoup compensation for your injuries. The Jackman Law Firm has the expertise to effectively represent you with the insurance company, in arbitration and if necessary, in court to secure your rights for compensation and relief.

. The Jackman Law Firm can help you get the money you are owed under the law, including medical bills, lost wages, and pain and suffering. We have the resources, experience, and successful track record to win your case. Feel free to call for a free consultation.

Chapter Two

Slip and Fall at Grocery Store

There are numerous large and specialty grocery stores across the country. Among the most popular chain grocery stores are Tom Thumb, Kroger, Safeway, Whole Foods and HEB.

Shopping at these stores is very safe normally, on occasion these stores pose dangers to customers who may slip and fall or be injured at their store.

Grocery Store Laws

In most grocery store slip and fall cases, the reason someone slips and falls is because the grocery store failed to mop up the floor. This is most common by the coolers and freezers. Many times a customer will spill milk, water, ice, or some other substance, fail to notify the store, and another customer will come along, with their attention directed to an eye-level shelf, and slip and fall on the spilled substance, having never seen the substance that was left on the floor. Grocery stores have a duty to check the store's floors to make sure they are free of spilled substances that can cause people to slip and fall.

In a grocery store trip and fall case, you have to prove that the owner the grocery store or convenience store knew or reasonably should have known that the floor was slippery to be the point of being dangerous. This may be very obvious or it may be difficult to prove.

A lawyer can help you achieve the desired outcome in a case like this by doing any number of things, such as obtaining surveillance footage to show when the substance or content that you slipped and fell on was spilled. In these kinds of cases, timing is very important. If you slipped and fell on a substance that was only on the floor for a very short period of time, then the grocery store will likely prevail on the argument that it could not have reasonably have known to clean up the spill, assuming the spill did not occur within the sight of the store's employees or management.

Exceptions to Liability

If you have been injured inside a grocery store, you rightfully deserve to be compensated if it can be proven that the city or business did not legally and properly maintain their store in a manner that was safe for all patrons. However, this is not to say prevailing on your claim will be easy.

Statistically, these cases are difficult to win. Oftentimes the defense for the store will be as simple as: you should have watched where you were going. This of course may not be true as it may have been impossible not to slip given the condition of the store, but it's a common defense that has, in many instances, been successful in court.

Additional arguments advanced by the defense are:

- You knew ahead of time about the danger that led you to be hurt
- The danger was considered "open and obvious," meaning anyone could see it
- The owner of the property or business where you were either didn't know or reasonably could not have known about the danger that hurt you
- You caused your injury by not using the premises correctly

Chapter Three

Slip and Fall at Restaurant

The vast majority of restaurants are perfectly safe places to be. However, there are accidents that occur at these establishments because the management and employees fail to make the premises safe for people to use. The most common injury at restaurants are slip and falls.

Restaurant Slip and Fall Laws

In most restaurant slip and fall cases, the reason someone slips and falls is because the restaurant failed to mop up the floor. This is most common in areas where many people are coming and going, such as by the tables in the main part of the restaurant or near the area where the food is cooked and the bar. Many times a customer will spill milk, water, ice, or some other substance, fail to notify the restaurant, and another customer will come along, with their attention directed to an eye-level, and slip and fall on the spilled substance, having never seen the substance that was left on the floor. Restaurants have a duty to check the restaurant's floors to make sure they are free of spilled substances that can cause people to slip and fall.

In a restaurant slip and fall case, you have to prove that the owner the restaurant or knew or reasonably should have known that the floor was slippery to be the point of being dangerous. This may be very obvious or it may be difficult to prove.

A lawyer can help you achieve the desired outcome in a case like this by doing any number of things, such as obtaining surveillance footage to show when the substance or content that you slipped and fell on was spilled. In these kinds of cases, timing is very important. If you slipped and fell on a substance that was only on the floor for a very short period of time, then the restaurant will likely prevail on the argument that it could not have reasonably have known to clean up the spill, assuming the spill did not occur within the sight of the restaurant's employees or management.

However, if the spilled substance has been on the floor for a long period of time and the restaurant's employees and management neglected to clean it up or neglected to do a timely check of the premises to make sure it was free of dangerous substances, then your case is much stronger.

Exceptions to Liability

These cases are not always easy to win. Sometimes the restaurant is able to win these cases if they can prove that they had no way of knowing that they either did know or should have known that the restaurant was dangerous because of the spilled substance. It may seem unfair, but this is the reality and the challenges posed by these kinds of cases.

The most common winning arguments advanced by the insurance company for the defense is that the substance you slipped and fell on was obvious, or that you should have seen where you were going, or that you were using the property in a way that was not safe.

For instance, the latter might be applicable in a case where a child is running or roughhousing around the restaurant.

