YOUR ACCIDENT LAWYER
by Warnock MacKinlay Law

SLIP AND FALL ACCIDENTS

What You Need To Know

More than 160,000 people

go to the emergency room for slip and fall accidents every year.
(Arizona Department of Health Services)

These are cases that result from an incident in which someone slips or trips and falls because of hazardous conditions created or maintained by a negligent property owner. These property owners and managers are responsible for the safety of people who are on the property. Injuries caused by poor conditions on the property does not meet minimum safety standards.

Proving a slip and fall case requires a thorough investigation. At Warnock MacKinlay Law our slip and fall accident lawyers help prove that someone else is responsible for your injury.

You may contact Your Accident Lawyer at **Warnock MacKinlay Law (602) 301-6429** to help evaluate your claim.

The following guidelines will help you in assessing who is responsible for your injury.

1 → Common types of slip and fall cases

Most slip and fall accidents occur because of hazardous conditions. These conditions typically include the following:

- Water leakage or spills
- Inadequate maintenance of the premises
- Defective conditions on the premises
- Improperly stored materials
- Poor lighting
- Damaged walkways or floorings
- Stairs that are slippery or do not have safety railings
- Excessive clutter
- Building Code violations
- Obstructed walkways
- Lack of security
- Missing or inadequate warning signs

2 → You must be on the premises lawfully

To make the owner liable for your injuries you must show your lawful presence on the property where the injury occurred.

Arizona recognizes various categories of individuals present on property and depending on that category, you will have a stronger or weaker case. Your presence on the premises falls the following:

Claimant Categories

INVITEE

An invitee is someone who has the landowner's express or implied permission to enter the premises for purposes that benefit both the invitee, neighbors and customers. A landowner owes a duty to protect or warn of dangerous conditions to keep the property reasonably safe for the benefit of invitees.

LICENSEE

A Licensee is someone who has the landowner's express or implied permission to enter the property for purposes that benefit the licensee but not the landowner. A licensee owes a duty to warn of dangerous conditions and to refrain from willful or wanton conduct. If there is something on the property that attracts children, the landowner owes a duty to fix the place, they know or should have foreseen children would be attracted, they must fix the hazard or give adequate warning.

TRESPASSER

A trespasser is someone who is not authorized to be on the property. The landowner owes a duty to a trespasser based on the circumstances of the child, and in that case, the landowner owes a duty to exercise reasonable care.

CHILD/ ATTRACTIVE NUISANCES

Children are special cases that apply to young children who are too young to understand danger and are attracted to dangerous conditions. If there is something on the property that attracts children, the landowner owes a duty to fix the place, they know or should have foreseen children would be attracted, they must fix the hazard or give adequate warning.

Because these rules and categories of claimants can get pretty complicated, you should contact your Accident Lawyer at Warnock MacKinlay Law if you have questions about potential categories of premises.

3 → Safety hazards that cause slip and fall accidents

Slip and fall accidents usually happen on the floors and stairs

According to the self-reported data, between 2012 and 2014, **10% of the surveyed sites revealed floors that did not comply with safety standards.**

(OSHA)

HAZARDS TO WATCH OUT FOR

- Cracks, holes, and crawling sounds
- Wet, oily, or waxed floors and stairs
- Loose rugs and carpets
- Presence of debris on walkways
- Inadequate lighting
- Electrical cords across the walking surfaces
- Uneven floorplates

4 → Notice of defect

Structural defects on the property's premises are the responsibility of the landowner. **However, the owner was not responsible enough for fixing such defects.**

Claimant's Knowledge

Did you have previously observed the property where you had a slip and fall accident, you may have noticed a defect beforehand. You may already know of any complaints or a dangerous condition. If you have knowledge of the defect, it may be easier for the owner to argue you were "contributorily negligent," or on the other hand, may imply the victim's carelessness.

Notice to the Claimant

Before your slip and fall accident, have you received any type of warning inside the premises? Did you see signs or cones? Did someone tell you about the defect? Did you hear a warning or see other people trying to avoid the hazard? Obvious signs of a defect or warnings may imply the victim's carelessness.

Owner's Knowledge of Condition

This refers to the area who is directly managing the property at the time of the slip and fall accident. Whether it is the actual owner, the manager, or the tenant, the owner must know of the defective condition. If it is a modern defect, like a hollow knock underneath the floor, it should be preventable through regular inspections.

Business establishments should place hazard signs to warn people about wet floors and facilities that are out-of-order.

If you did not see a warning sign before your accident, then the owner will be liable for putting your safety at risk.

5 → The story behind your slip and fall accident

Things that may have contributed to your slip and fall accident

As the victim, you may still bring claim right in the investigation.

Clothing • What you are wearing at the time of your slip and fall accident may be a factor in your injuries. Are you wearing something that is too loose, too tight, too slippery, too high-heeled, or the ground moves, the tread, or the design on the surface, causing you to trip or fall.

Footwear • If your shoes are too high, too slippery, or too loose, you may be responsible for your slip and fall accident.

Preoccupation • Were were you doing something that distracted you from the dangerous condition? Were you talking on your phone? Were you walking across the walkway to reach the store?

Physical Condition • Are you physically able to walk on the surface? Do you have any medical conditions that make it difficult for you to safely from slip and fall injuries. Their claims might be lessened or entirely accepted.

6 → The severity of your slip and fall injuries

While, in many slip and fall injuries result from the victim's carelessness, many such accidents can be catastrophic and lead to serious injuries with lifelong consequences. That is why you need to contact Your Accident Lawyer at Warnock MacKinlay Law to investigate and evaluate your case as soon as possible.

Over 1 million Americans suffer slip and fall accidents every year and there are approximately 20,000 deaths from these types of injuries.

In the event you were in a slip and fall accident, **you must immediately go to your doctor and Urgent Care Center**, or hospital. Your injuries may be more serious than you realize.

By acquiring medical records immediately, you are able to prove the severity of your injuries that resulted from your slip and fall.

7 → Collect as much evidence as possible at the accident scene

Because injury slip and fall injuries result from temporary hazardous conditions, you should collect as much evidence as possible, including the following:

Photographs

While it is difficult to do while in pain, either have a bystander, friend or yourself take photographs with your phone of the hazardous condition. Document your slip and fall accident.

Witnesses

Obtain witness information (phone numbers, emails, addresses, etc.) of any individuals who witnessed your slip and fall accident and defective condition(s) caused, or who can testify to the condition. Your Accident Lawyer at Warnock MacKinlay Law.

Talk to the Property Owner

Talk to the property owner, a store employee or manager, and determine if other persons have been injured similarly from the incident that caused your injury. Once again, make sure you obtain the property owner's representative's name, phone number, email address, etc.

Be careful of signing statements that may release the owner's accountability for your injuries.

Upon informing the property manager about the slip and fall accident, you may be asked to sign a waiver of liability instead of a record of the accident. Sometimes, insurance companies would also be quick to offer you a certain amount as a settlement.

In most cases, these quick settlements are not enough to cover your medical bills and you should not accept any such offer.

8 → Statute of limitations

Property owners are liable for the injuries and damages caused by defects on their premises, the operation of their business, and the condition of the property. However, liability is limited. Arizona, **there is a two-year limitation on filing personal injury claims**, (and in many other states) the statute of limitations for a public entity is reduced to **6 months**.

2 Year Limit

This means that if you do not file within the period of the statute of limitations, you will forever be barred from bringing your claim.

9 → Proving your slip and fall injuries

Who is responsible for your injuries resulting from a slip and fall accident?

You might slip or trip on a wet floor, defective stairs, rough patch on a sidewalk or something similar. Often the property owner is responsible, but sometimes you bear responsibility. Generally, a property owner is not responsible for something that an ordinary person should expect to find, see or avoid. But there are circumstances where an ordinary person may be the other hand, property owners are liable for the safety in keeping and maintaining their property.

Generally, to be legally responsible for the injuries you suffered, one of the following must be true:

A The owner of the premises, or someone working for the owner, must have caused the spill, the trash or item spot, or other injury or dangerous condition, or

B The owner or employee must have known or should have known of the dangerous surface, but did nothing about it, or

C The owner or employee should have known of the dangerous surface because a "reasonable property owner would have discovered, removed or repaired it.

What if your own carelessness contributed to the accident?

Unfortunately, you might slip and fall, you must decide whether your carelessness contributed to the accident. In Arizona, the rules of "comparative negligence" help measure the degree of your responsibility and liability. Your slip and fall claim does not qualify you for a recovery if the owner never have obligations.

Some questions you might ask about your own conduct that could have possibly contributed to the accident include the following:

A Did you have a legitimate reason for being on the premises?

B Should a small property owner expected the dangerous and dangerous condition or will carefully enough not to slip and fall?

C Where there any warnings posted that the spot might be dangerous?

D Have you attempted to hold the property owner responsible for your surrounding area?

Your Accident Lawyer at Warnock MacKinlay Law can often collect damages for your injuries even if you have contributed to the accident.

Landlord liability for slip and fall injuries

If you are renting a house or apartment and you slip and fall on your landlord's premises, you often can hold the landlord liable for your injuries. Landlords are responsible to know and ask you fall. So if any dangerous condition, such as a broken step, a hole in the floor, or a slippery substance, causes you to fall, there is no question that your landlord knew or should have known. Therefore, **in order to win your slip and fall case against your landlord, you must prove he was negligent (careless).** The landlord had to have caused or failed to correct the dangerous condition. Unfortunately, you have to show that the landlord knew or should have reasonably have known that the premises were in an unsafe condition.

Landlords are responsible for any slip and fall injuries as soon as you can, you should take photographs of the accident scene, your clothing, any bruises or injuries you might have received. Conditions often change or disappear, it may be difficult to win a slip and fall case without photographs. Contact Your Accident Lawyer at Warnock MacKinlay Law.

Sidewalk Slips and Falls. Who is responsible?

If you slip and fall on a public sidewalk, you have to answer a number of questions to decide who was actually liable.

A Who is liable for slip and fall on public sidewalk?

Liability for the defective condition of a public sidewalk can result in a municipal, county or state responsibility for maintaining the sidewalk. Typically, a municipality has liability for cases of defect. Contact Your Accident Lawyer at Warnock MacKinlay Law to determine special rules that apply to such accidents.

This is important because in Arizona, there is strict notice and time deadlines for making a claim against a municipality. Generally, a claim must be filed within 180 days. The claim must also must be made within 6 months of the slip and fall accident. It is critical to contact a slip and fall claim against a government agency would protect you from catching.

B Was the property owner reasonable?

Most negligent claims hinge on whether or not the property owner acted reasonably under the circumstances. Property owners are responsible for keeping their premises reasonably safe whether the owner maintains sidewalks or has a contract with a landscaping company or a cab and clean condition. Here are some initial questions one can ask to determine whether a property or business owner is liable for your slip and fall injury.

- If you tripped over or stepped on an object someone had placed or left on or in the floor or ground, was there a legitimate reason for the object be the floor?
- Does the property owner have a regular procedure for examining and cleaning or repairing the premises? Is it the owner's duty to keep the premises safe?
- If you tripped over or stepped on an object someone had placed on the floor, was there a legitimate reason for the object be there?
- If there was a good reason for the object to be there but that there been no longer exists, could the object have been removed or moved or otherwise made safe?
- Was there a safer place the object could have been located, without inconvenience or expense to the property owner or operator?
- Could a simple barrier have been created or a warning been given to prevent people from stepping or tripping?
- Did poor or broken lighting contribute to the accident?

If the answers to one or more of these questions come out in your favor, you may have a good claim for compensation.

If you have any questions about this slip and fall case, call Warnock MacKinlay Law.

YOUR ACCIDENT LAWYER
by Warnock MacKinlay Law

602 600 6427

Request a Free Consultation
CLICK TO TEXT US NOW & ON-GOING