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 each year due to slip and fall accidents

*Arizona Department of Health Services

These are cases that arise from an incident in which someone slips (or trips) and falls because of hazardous conditions created or maintained by a negligent property owner. Those property owners and managers can be held liable for damages when people are injured on the property because a condition on the property does not meet minimum safety standards.

Proving a slip and fall claim involves 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) 381-6669** to help evaluate your case.

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
- Stairs that are slippery or do not have safety railings
- Excessive clutter
- Building Code violations

- Improperly stored materials
- Poor lighting
- Damaged walkways or floorings
- 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 property include the following:

Claimant Categories

INVITEE

An invitee is someone who has the landowners' express or implied permission to enter the property. Invitees are usually people like friends, relatives, neighbors and customers. A landowner traditionally owes an invitee a duty of reasonable care to keep the property reasonably safe for this category of individual.

LICENSEE

A Licensee is someone who has the owner's express or implied permission to enter the property, but is coming on to the property for his or her own purposes. Licensees are usually people such as salesmen. A landowner traditionally owes a licensee a lesser duty only to warn the licensee of dangerous conditions that create an unreasonable risk of harm.

TRESPASSER

A trespasser is someone who is not authorized to be on the property. Traditionally, landowners owe no duty to a trespasser unless the trespasser is a child, and in that case, the landowner owes a duty to exercise reasonable care.

CHILD/ ATTRACTIVE NUISANCES

There are different rules that apply to young children who generally are not old enough to discern dangerous conditions. In addition, if there is something on the property that attracts the child, or catches the child's interest in the first place, then under the "attractive nuisance" theory, the child may have a right of recovery.

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Because these rules and categories of claimants can get pretty complicated, you should contact your Arizona 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

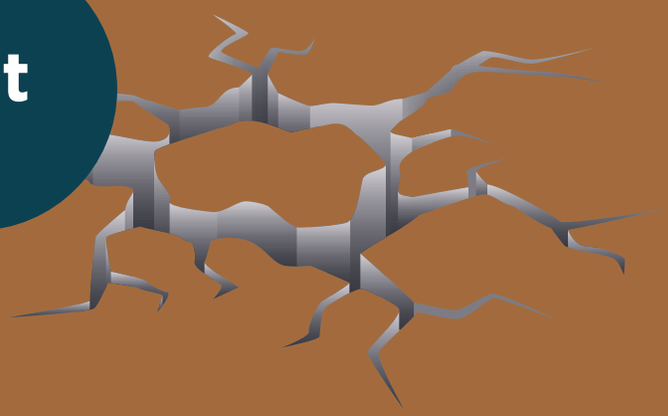
According to the slip and fall study conducted by a risk management service, **50% of its surveyed sites revealed floors that do not comply with safety standards.**

*cna.com

HAZARDS TO WATCH OUT FOR

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

4 Notice of defect



Structural defects on the property often pose slip and fall hazards. To prove liability, **the victim must show that the owner was not responsible enough for fixing such defects.**

Claimant's Knowledge

If you have previously entered 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 previous accident that had occurred on the same slip and fall hazard. This may further prove the owner's negligence, 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 property? The hazardous area might have been fenced, gated, or guarded. Your failure to notice a posted warning sign might affect your chances of getting a better settlement.

Owner's Knowledge of Condition

This refers to the one who is directly managing the property at the time of the slip and fall accident. Whether it is the actual owner or a renter, he/she must know the obvious defects in the building. If it is a hidden defect, like a hollow crack underneath the floor, it should be preventable through regular inspections.

Business establishments should place yellow 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 claimant, your story will bring more light to the investigation.

Clothing - What you are wearing at the time of the incident may provide clues on how you slipped. Are you wearing something that is too long? Do the edges of your clothing almost touch the ground? Hence, the fabric may snag on the surface, causing you to trip or fall.

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

Preoccupation - What were you doing right before you slipped? Were you carrying something heavy or bulky? Were you using your phone? Were you rushing across the walkways or down the stairs?

Physical Condition - Are you physically challenged? Do you have trouble seeing or walking properly? Most people over 65 are prone to suffer from slip and fall injuries. Their claims might be blamed on previous accidents.

6 The severity of your slip and fall injuries

While it may seem that slip and fall injuries would be relatively minor, 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, to determine the severity of your injuries.

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 many 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 that caused your slip and fall accident.

Witnesses

Obtain witness information (phone numbers, emails, addresses, etc.) of any individuals who observed your slip and fall accident and what defective condition caused it, so you can provide that information to Your Accident Lawyer at Warnock MacKinlay Law.

Talk to the Property Owners

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.

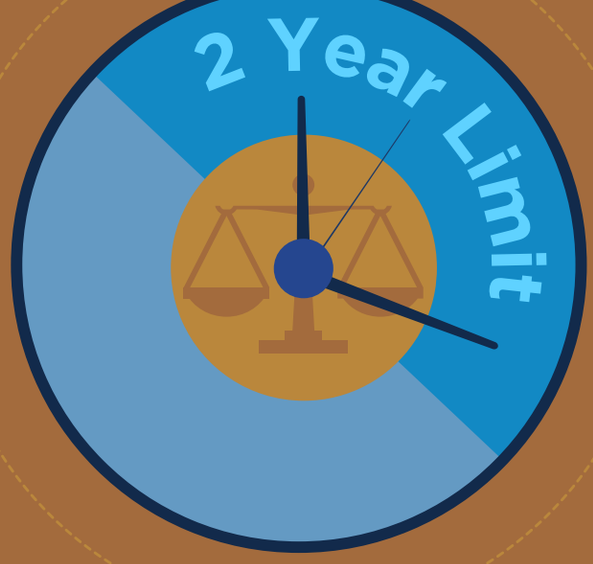
Upon informing the property manager about the slip and fall accident, you may be asked to sign a waiver of liability instead of a record of the accident. Sometimes, insurance companies would also be quick to offer you a certain amount as a settlement.

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 those premises and maintenance of the same, assuming the criteria is present as set forth in this brochure. However, typically in Arizona, **there is a two-year limitation on filing personal injury claims** (and in many situations much shorter than that, such as if a public entity is involved, it is **reduced to six months**)

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. We all have an obligation to watch where we are going. On the other hand, property owners do need to be careful in operating 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 worn or torn spot, or other slippery or dangerous surface; 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?

In almost every slip and fall case, 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 whether or not you can still claim damages if both you and the property owner 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 in the dangerous area?

B Would a careful person have noticed the dangerous area and avoided it, or walk carefully enough not to slip and fall?

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

D Were you doing anything that distracted you from paying attention to 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. The answer depends on where, how and why you fell. As in any personal injury case, there must be negligence if your slip and fall claim is going to be successful. If there is not negligence or carelessness, there is no liability. 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 prevent the condition in some manner. Generally, you have to show that the landlord knew or should have reasonably have known that the premises were in an unsafe condition.

As indicated previously, as in any slip and fall case, 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 quickly and it may be difficult to win a slip and fall case without showing some indication of the landlord's responsibility.

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 same. Typically, a municipality is liable for upkeep of public sidewalks. You must contact Your Accident Lawyer at Warnock MacKinlay Law to determine special rules that apply to public places.

This is important because in Arizona, there is strict notices and time deadlines for making a personal injury claim against a municipality. Also, claims against a City, Town, Country or State must be made within 6 months of the date of the accident. Failure to notify and make a claim against a governmental agency would prohibit you from collecting.

B Was the property owner reasonable?

Most negligent claims hinge on whether or not the property owner acted reasonably under the circumstances. In determining whether one is acting reasonably, the law concentrates on whether the owner makes regular and thorough efforts to maintain the property in a safe and clean condition. Here are some initial questions one can ask to determine whether a property or business may be liable for your slip and fall injury:

- If you tripped over or slipped on an object someone had placed or left on or in the floor or ground, was there a legitimate reason for the object the be there?
- Does the property owner have a regular procedure for examining and cleaning or repairing the premises? If so, what proof does the owner have of this regular maintenance?
- If you tripped over or slipped on an object someone had placed on the floor, was there a legitimate reason for the object to be there?
- If there was a good reason for the object to be there but that reason no longer exists, could the object have been removed or covered 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 slipping 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 your Slip and Fall case, call Warnock MacKinlay Law.

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Request A Free Consultation

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