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PRACTICE AREAS

Workers Compensation

Personal Injury

Motor Vehicle Accidents

Wrongful Death

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E-Newsletter

Slip and Fall Injuries

Slip and fall injuries are, as the name implies, injuries that occur when an individual slips, usually on a foreign substance or as a result of a dangerous condition, and falls. A common slip and fall case involves a plaintiff who is a customer in a grocery store and who slips and falls on a grape that has fallen on the floor. The fall causes injuries, such as bruising or broken bones and the plaintiff seeks to hold the store liable. Although the first reaction might be to conclude that the store is liable for the injury, the result is not always so clear. A store, like any owner or possessor real property, has a duty to exercise reasonable care to maintain the premises to protect lawful visitors. However, a customer must also use reasonable precautions to protect himself or herself against the injury.

If a condition on a floor, such as a puddle of milk, is noticed by the customer, or should be readily apparent to the customer, then the customer may not be successful in suing the store for his or her injuries. Similarly, if a plaintiff who is injured after tripping over a raised sidewalk grate later acknowledges that they were aware of the condition, having walked passed it every day for the past four months and having made comment about it, the chance of a successful recovery is diminished. In those cases, the courts find that the plaintiff had a duty to protect himself or herself against the injury. In other words, a plaintiff cannot knowingly step into the puddle of milk, fall and break his or her ankle, and then successfully sue the store.

The plaintiff in a slip and fall case, whether it occurs in a grocery store or elsewhere, must prove that the cause of the injury was a condition that could have been discovered by a reasonable inspection. The condition may be one that was created by another individual or by



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natural conditions such as a snowstorm. Generally, an owner of property is afforded a reasonable period of time in which to discover a dangerous condition and to remove it. The determination of what constitutes a reasonable time will vary from case to case. For example, if there is a spill of motor oil in the aisle of an auto supply store, the store may be liable if its employees knowingly walk past the spill a number of times without cleaning it up, prior to the plaintiff slipping and falling in the puddle. However, if the spill occurred moments before the plaintiff fell, and before any store employee or manager could reasonably be made aware of the spill, finding the store liable may be more difficult. Because plaintiffs must prove that the condition should have been discovered by the landowner, slip and fall cases often require plaintiffs and their attorneys to collect facts such as determining whether a store has a set of policies for cleaning up spills, and to obtain statements from employees and managers of the store who may have noticed the spill and failed to clean it up.

Injury Facts & Figures

- The federal government's National Center for Injury Protection and Control keeps track of injury statistics. Here are some of the Center's details about injury in the United States.
- Every year, more than 90,000 people die in the United States as a result of unintentional injuries.
- Accidental injuries result in about 31 million emergency room visits each year.
- Every year, about a quarter of all children sustain an injury serious enough to require medical attention, school absences, and/or bed rest.
- Motor Vehicle Accidents are the leading cause of injury-related deaths in the United States for people ages one to thirty-four.
- In 1997, 3.5 million people were injured in Motor Vehicle Accidents in the United States, and another 42,000 died as a result of such accidents.
- Falls are the leading cause of injury-related deaths in older Americans. One out of every three people age sixty-five and over falls each year.



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- Falls are also the leading cause of non-fatal injuries to children up to fourteen years of age, accounting for an estimated 2.5 million emergency visits annually.

- Drowning is the second leading cause of injury-related deaths in children ages one to fourteen.

- In 1997, residential fires claimed the lives of 3,360 Americans and resulted in \$4.6 billion in property damage.

- In 1998, improper use of fireworks caused 8,500 injuries.

- About 600,000 people are treated in emergency rooms every year for bicycle-related injuries. In 1998, 758 bicyclists died from their injuries.

- Someone in the United States seeks medical attention for a dog bite every forty seconds.

- Playground accidents result in about 200,000 emergency visits every year—that's one injury every 2 1/2 minutes.

- In 1998, over two million people called poison control centers regarding accidental poisonings.

- In 1998, nearly 40 percent of traffic fatalities were alcohol-related. Alcohol is also involved in about 40 percent of fire-related deaths and up to 50 percent of deaths from drowning.

Disclaimer

This publication and the information included in it are not intended to serve as a substitute for consultation with an attorney. Specific legal issues, concerns and conditions always require the advice of appropriate legal professionals.