

## ***Proving Fault the Key to Staircase Accident Cases***

Here's the scenario: You're in someone else's building, either public or private, and you're walking down a flight of stairs. No one else is near you; no one else is involved. Suddenly, you trip and fall, and realize right away you've done some serious damage to yourself. Who's at fault?

This is the question frequently faced by Portland personal injury lawyers when trying to determine liability in staircase accidents. In some cases, the liability is relatively clear, but in others it is less so. Listed below are the [factors to take into consideration when determining liability in a staircase accident](#).

### **Who or what caused the fall?**

Property owners are liable for staircase accidents in pretty much the same way as they would be responsible if visitors to their property were injured in a slip and fall incident. In both slip-and-fall and staircase accidents, liability can be proven if any one of the following can be proven to be true:

- The person who owns or manages the property caused a spill, worn or torn floor covering or other slippery or dangerous surface underfoot conditions.
- The owner, manager or even an employee of the property knew about dangerous underfoot conditions but did nothing to remedy those conditions.
- Even if the owner, manager or employee didn't know about the dangerous surface conditions, if it can be proven that any reasonable person taking care of the property would have discovered the perilous surface and taken remedial action, then liability can be established.

### **How much are you to blame?**

Whenever someone makes a claim against a property owner for a staircase accident, questions will be asked by both the insurance company and, if it gets that far, the courts regarding what is known as your "comparative negligence" in the case. In other words, how much of the accident (and therefore the injuries sustained) were contributed to by you going where you did and how you did in the moments leading up to the accident?

If your accident was caused by something being spilled or dropped on the stairs, how long before your accident did this occur? Could the owner or manager have been reasonable expected to do anything about it, for example, if the spill happened two minutes before you fell? These are the issues faced by personal injury attorneys in staircase accident cases.

### **Hidden defects**

Up to this point, slip-and-fall and staircase accidents are virtually identical in nature. However, stairs also present additional difficulties, because in many cases, there are flaws in stairs that aren't even apparent immediately after an accident. This can involve detailed investigation on your part, and is one of the areas of the case where the help of a good personal injury lawyer can prove invaluable.

Some of the defects that can be found on staircases wouldn't apply in regular slip-and-fall accidents, and these include things like:

- Carpet or even wood that is worn down in the places where you would normally put your feet when you're coming down the stairs. A slightly worn carpet can be extremely slippery and even more dangerous because you wouldn't really notice it at first glance. Highly polished wood can be more slippery than stone, tiles or painted wood, so if you fall on stairs like these, the property owner could reasonably be held liable.
- Everyone knows that if they're walking on stairways that are covered in snow and ice or rainwater, they must take extra care. This doesn't mean, however, that the property owner can just ignore the problem. Outdoor stairs cannot be made of surfaces that become even more slippery when wet, and owners are not allowed excess water or ice to build up on staircases for which they're responsible. If you fall and hurt yourself under any of these conditions, you should seek the counsel of a good personal injury attorney, who will advise you as to the degree of liability of the property owner.
- Oregon, like most every state, has building codes with specific requirements for stairs. If these codes are strictly followed and you're injured in a staircase fall, the owner or manager of the property may be held liable. Some of the areas included in building codes are for things like:
  - Handrails for certain kinds of stairs. If a handrail wasn't present when you had your fall, or even if it was mounted at an incorrect height which caused you to fall when reaching for it, a case can be made as to the owner's liability.
  - The "riser" and "run" of each step refers to the vertical and horizontal dimensions. Oregon building codes are specific in establishing minimum and maximum values for both height and depth of each step. If you can show that the failure to follow these building codes contributed to your fall, you should be successful with your staircase accident claim.
  - Did the steps have different heights and depths? Even if the riser and run are within the code, if they vary from step to step, this can and does cause people to fall, because our bodies remember the last step we took and automatically tells us to take the same kind of step for the next one. If the step isn't where your body tells you it should be, you could certainly lose your balance and fall.

### **How will I know if the stairs are up to code?**

State building codes are available at many local libraries or county building departments, and you could check them there. Clearly, however, if you've been injured in a staircase accident, trotting down to the local library might not be top of your list of things to do.

If you have been injured in a staircase accident, don't be embarrassed. Many people put falls and injuries down to their own awkwardness and foot the medical and treatment bills themselves. By doing so, they are allowing the property owner to escape liability, and the injured victim is also putting other people in jeopardy who might fall and get hurt in the future if the property owner isn't made to take remedial action.

At the very least, you should [contact an experienced Portland premises liability attorney for a free consultation](#). Staircase accident cases can be difficult to prove, and a good personal injury lawyer could be invaluable in carrying out the investigation into the circumstances that led to your fall and your injuries, and to getting you the compensation you deserve.

