

# **A Quick Guide of What to Do After A Slip, Trip and Fall Accident**

By Scott Bradley Dormer, Esq.

This guide provides an overview of slip and fall accidents, and generally what should be done thereafter. Of course, every case is different and a lawyer should always be immediately consulted for every case.

## **About Slip, Trip and Falls**

In general, "slip and fall" or "trip and fall" accidents are where a person is injured by slipping or tripping and falling due to a dangerous condition on the premises. Falls can happen inside or outside a building, and be caused by such conditions as uneven floors, debris on floors, poor lighting, potholes, ice, snow, or other hidden hazards.

Studies show that 60 percent of all falls are related to a slipping or tripping incident, with such likely causes as a foreign object on the walking surface, a design flaw in the walking surface, a slippery surface caused by weather or a spill, or a person's impaired physical or mental condition.

## **Who is Responsible for the Fall?**

Just because you slipped or tripped and fell on someone's property doesn't make them automatically responsible to you. Property owners have a "duty of care" to make sure that their property is safe, but they are not a guarantor of your safety.

In a successful slip or trip and fall case, we must establish that there was dangerous or defective condition on the property which caused the fall. That's usually the easy part. We must also show that the property owner (or possessor) knew about the defect before the accident or should have known about it because the defect existed on the property for a long enough time for them to have discovered it. This is the more difficult part and which involves review of business records and analysis of the actual slip area itself.

Many slip and fall or trip and fall accidents also focus on the conduct of the person who fell. The most common argument made by the defense is that the Plaintiff was not watching where they were going.

## **What To Do After a Fall**

- I. **Call the police and paramedics if necessary.**

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## **2. Gather Evidence.**

Obtain the names and addresses of all witnesses right away. They may need to leave the scene and go about their business. Be sure to get witnesses' names, addresses, and telephone numbers. Include the names of store employees who witnessed the fall, the dangerous condition, or to whom you spoke after the fall.

Use a disposable camera or your cell phone to photograph the accident scene and especially the "dangerous condition" that caused you to fall. If you cannot photograph the condition, take extensive notes about its size, shape, color, location, etc.

## **3. Report the Fall.**

Report the accident and the dangerous condition to the landowner or possessor, store manager, etc., but do not give an extensive statement until you have spoken with a lawyer.

## **4. Take Notes on What Happened for Your Attorney.**

Take notes for your attorney about how the accident occurred. Be sure to note the date and time of the accident, location of the accident, names of all witnesses, names of the persons to whom you reported the accident to, names of the property owner and their insurance information, weather conditions, and what you were wearing at the time, particularly your shoes. Keep all clothing or other physical evidence which confirms the accident.

## **5. Seek Medical Attention Immediately if You Are Injured.**

If you have any physical complaints after the accident, you should seek medical attention right away. Any delay in seeking medical care can negatively effect your case. An emergency room can provide an immediate evaluation and diagnostic tests such as x-rays. Alternatively, see your family doctor. Either way, be sure to tell any medical personnel all of the physical complaints you are having. Don't leave any complaints unmentioned, even if they are minor! Also be sure to photograph any visible injuries immediately, such as bruises, scrapes, broken bones, etc. Always remember that a picture is worth a thousand words!

## **6. Contact an Attorney to Protect Your Rights.**

You should not delay in speaking with a lawyer after an accident, no matter how minor the accident may be. A successful case must be investigated immediately. Evidence must be preserved. Additionally, the law provides certain time limitations in which action must be taken. If the required action is not taken within that time, your case will be lost forever!