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Slip and Fall Accidents Overview

"Slip and fall" is a term used for a personal injury case in which a person slips or trips and falls, and is injured on someone else's property. These cases usually fall under the broader category of cases known as "premises liability" claims, because slip and fall accidents usually occur on property (or "premises") owned or maintained by someone else, and the owner or possessor of the property may be held legally responsible.

Dangerous conditions such as torn carpeting, changes in flooring, poor lighting, narrow stairs, or a wet floor can cause someone to slip and hurt him or herself inside a building. Other instances of slip and fall incidents can occur when people trip on broken or cracked public sidewalks, or trip and fall on stairs or escalators. In addition, a slip and fall case might arise when someone slips or trips and falls because of rain, ice, snow or a hidden hazard, such as a pothole in the ground.

Proving Fault in Slip and Fall Cases

There is no precise way to determine when someone else is legally responsible for your injuries if you slip or trip. Each case turns on whether the property owner acted carefully so that slipping or tripping was not likely to happen, and whether you were careless in not seeing or avoiding the condition that caused your fall. Here are some general rules to help you decide whether someone else was at fault for your slip or trip and fall injury.

In most cases, a person injured in a slip and fall on someone else's property must prove that the cause of the accident was a "dangerous condition", and that the owner or possessor of the property knew of the dangerous condition. A dangerous condition must present an unreasonable risk to a person on the property, and it must have been a condition that the injured party should not have anticipated under the circumstances. This latter requirement implies that people must be aware of, and avoid, obvious dangers.

In order to establish that a property owner or possessor knew of a dangerous condition, it must be shown that:

- The owner/possessor created the condition;
- The owner/possessor knew the condition existed and negligently failed to correct it; or
- The condition existed for such a length of time that the owner/possessor should have discovered and corrected it prior to the slip and fall incident in question.

For a property owner or possessor to be held liable, it must have been foreseeable that his negligence would create the danger at issue. For instance, if a can of paint falls to the ground and spills into an aisle in a hardware store and, one day later, the store has not noticed or cleaned up the spill, and someone slips in the paint and is injured, one might argue it was foreseeable that the store's negligence in failing to inspect its aisles and clean up spills would result in someone slipping and injuring himself on a spilled item.

Occasionally, a plaintiff can prove negligence by showing that the property owner violated a relevant statute. For example, building codes often dictate when and where handrails and other similar features must be installed. If you fall on a stairway that lacked appropriate handrails, and the lack of the handrail caused your injuries, you may have a valid claim against the building owner based on his or her building code violation.

Responsible Parties

In order to recover for a slip and fall injury sustained on another's property, there must be a responsible party whose negligence caused the injury. This sounds obvious, but many people do not realize that some injuries are simply accidents caused, if anything, by their own carelessness. For instance, if someone falls simply because he was not looking where he was walking, he cannot recover against the property owner if the owner was in no way at fault, no matter how serious the injury. If an injured person is only partially at fault for his own injury, he might still be able to recover from another, but the dollar amount of his recovery might be reduced.

Commercial Property

To be legally responsible for the injuries someone suffered from slipping or tripping and falling on someone else's property, the owner/possessor of a store, restaurant, or other business (or an employee of the business):

- must have caused the spill, worn or torn spot, or other slippery or dangerous surface or item, to be underfoot;
- must have known of the dangerous surface but did nothing about it; or,
- should have known of the dangerous surface because a "reasonable" person taking care of the property would have discovered and removed or repaired it.

The third situation is the most common, but is also less clear-cut than the first two because of the phrase "should have known." Liability in these cases is decided by common sense. The law determines whether the owner or occupier of property was careful by deciding if the steps the owner or occupier took to keep the property safe were reasonable.

In slip and fall cases on commercial property, there are often a number of people or entities that may be held responsible for someone's injuries. For instance, if a business rents space from a property owner, both the property owner and the tenant (the business) may be named as defendants by someone injured on the property. In that case, the tenant is known as a possessor of the property, and has a duty to use reasonable care to prevent injury to those on the premises under its control. A possessor might also be a party who manages or maintains the property, such as a management company.

Residential Property

In residential settings as well, landlords may be held liable to tenants or third parties for slip and fall injuries on rental property. To hold a landlord responsible for an injury, a tenant must show that:

- The landlord had control over the condition that caused the slip and fall;
- Repairing the condition would not have been unreasonably expensive or difficult;
- A serious injury was the foreseeable consequence of not fixing the condition; and,
- The landlord's failure to take reasonable steps to avoid an accident caused the tenant's slip and fall injury.

Government Property

When a slip and fall injury occurs on property owned by a local, state, or federal government entity, special rules will apply. Specifically, there are very stringent notice requirements and broad immunity provisions that sometimes shield government entities from liability for injuries that occur on their property. Go [here](#) to learn more about injury claims against the government.

Getting Help for Slip and Fall Injuries

If you have been injured in a slip and fall on someone else's property and are considering a legal claim against those who were at fault, you should discuss your potential case with an experienced attorney soon, especially in light of time limits in which injured persons may file a personal injury lawsuit. Go [here](#) to find a personal injury attorney near you.

See also:

- [Conditions Leading to Indoor Slip and Fall Accidents](#)
- [Conditions Leading to Outdoor Slip and Fall Accidents](#)
- [Slip and Fall Accidents: Proving Fault](#)
- [Slip and Fall - FAQ](#)
- [Slip and Fall - Resources](#)

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