

Larger Awards In Slip And Fall Cases

By William Henry, PhD

Improving your chances for a larger financial recovery if you or your loved ones slip and fall in a public place

Success in slip and fall cases often depends on CSI type exhaustive research both at the incident location and of applicable local building and Federal codes. What may seem to be a harmless site condition, in reality can pose serious threats to health, safety, and welfare to site occupants both indoor and outdoor. Secondly there are multiple codes that often have jurisdiction over the improvements. Some of them may seem to be overlapping and sometimes contradictory. Effectively unraveling the myriad of factors such as these, and then forming a concrete theory regarding the actual causes in a slip and fall incident could spell the difference between success and failure. The ability of your legal council to communicate these in depositions and to juries can constitute compelling testimony. The following should be considered in documenting the site conditions;

- 1) At least two experienced inspectors should be present to take precise measurements at the site where the incident took place so that each can provide quality assurance to the other. Often one inspector will miss something.
- 2) Survey equipment using the latest laser technology should be employed that measures separation between materials, slopes of surfaces, and lighting levels. We have noted that optical illusions often arise and what may seem to be an excessive ground level slope may be due to the surrounding floor or site slopes.
- 3) Documenting site conditions on grids as tight as one foot on center or less may be critical. For instance the slope of a ramp or the rise of a stair may be compliant at one point, but one foot or less away, it could be non compliant. An excessive slope in just one area of a ramp means that it can be considered as deficient.
- 4) The ability to create three dimensional depictions of the improvements utilizing the latest computer aided design 'CADD'

technology can enhance testimony. With accurate as-built condition measurements available and then by incorporating computer software, a jury can be shown the conditions in three dimensions.

5) The above is a compelling reason to retain professional architectural firms and experts vs. those who may be well meaning American Disability Act advocates. While these advocates, such as those who may be wheelchair bound or challenged in some other way, accurately discover deficient conditions, they can easily be defeated in legal proceedings by those who have access to the above resources.

The following areas should be considered when investigating the governing codes that will have bearing on the case;

- 1) Discover whether the incident occurred on an 'ADA accessible route' per Americans with Disabilities Act 'ADA' Guidelines.
- 2) Local municipal ordinances may require the proper maintenance of sidewalks and/or other ground level surface areas to prevent such incidents from arising.
- 3) Determine whether the accident occurred on a path of travel for fire protection movements involving both building ingress and/or egress.
- 4) Concerning outdoor areas, the State Department of Transportation 'DOT' may contain standards that prescribe allowable vertical separation in sidewalks, roads, parking areas, and other pedestrian and auto paths of travel.

In summary experts often overlook obvious code standards and instead rely on assumed industry standards that may be too general. These proven violations can be far more persuasive than just an expert opinion about industry standards.



William "Bill" Henry
Reliable Group LLC
(813) 226.2220
ext. 204
whenry@rga-design.com