



TEXAS SLIP AND FALL GUIDE

*What To Do If You're Seriously Injured
In A Slip And Fall*



It seems that most days you get walk around without almost tripping or slipping on something. However, if you have found your way to this page, you have probably not been so lucky. If you have hurt yourself badly after a slip or trip and fall, you may be able to bring a slip and fall claim. These cases are no joke and can leave you really badly injured. You may need a lot of medical treatment which means you might have a lot of medical bills piling up. Even worse, if you were badly injured, you may be out of work, so you may be worried about your lost wages. A slip and fall case will bring your compensation for your medical bills and lost wages. After you read a little bit about your case, please call our Texas slip and fall lawyer to set up a free consultation.

TEXAS STATUTE OF LIMITATIONS

It is important that you are aware of the statute of limitations so that you do not get yourself barred from compensation. If you try to bring your case after your statute of limitations has passed, then you will not be allowed to receive any reward. In Texas, you get two years from the date of your slip and fall to bring your case or settle it in civil court. It is often suggested that you do not wait to talk to an attorney about bringing your case. If you delay, it will put your attorney under an even tighter timeline to build a strong case for you. You will also make it harder to track down witnesses or protect evidence. We encourage you to reach out to an attorney as soon as you can.

HOW SLIP AND FALL COMPENSATION WORKS

Texas follows the rules of shared fault. That means you are allowed to collect compensation, even if you are partially at fault for your injuries. You will not be allowed to collect compensation if you are responsible for the majority of the incident. If you are more than 50 percent to blame, then you will be barred from compensation. If you are 50 percent or less at fault for your injuries, then

your compensation will be reduced. For instance, if you were at a grocery store and you were rounding the corner and fell in a puddle that had not been clean, but you were on your phone and might have seen the puddle, you might bear some fault for the accident. If you have been found 10 percent at fault, awarded \$10,000 for your injuries, then your award would be reduced to \$9,000.

MOST COMMON TYPES OF SLIP AND FALL INJURIES

It is not uncommon for us to see victims of slip and falls with serious injuries. It is unfortunate and we would like to express our sympathies. You may have an injury that heals with some good treatment, or you will have an injury that might require a surgery. Even then, you might always feel that injury.

- » Cuts and lacerations
- » Contusions and concussion
- » Broken bones or fractures
- » Dislocations

It is so important that you seek medical attention right away. Your health is the highest priority and you need to treat it as such. If you feel tempted to wait to see a doctor, know that you will be running the risk of worsening your condition. Also, it is important that you see a doctor right away and do not wait because if there is a gap in your treatment, then the liable party's insurance company will look at your case and try to claim that you were not badly injured enough to be given compensation. Also, you will be at risk of them throwing out your case if you did not have immediate medical attention as they might claim your injuries came from a different incident.

FREQUENTLY ASKED SLIP AND FALL QUESTIONS



What Do I Do After I'm Hurt?

One of the things that's most important after a slip and fall injury is that you contact and notify a supervisor at the store or location where it occurred to make sure that they are aware of the accident. If it doesn't get reported immediately, it's as if the accident never happened.

It's also important that you make a mental note and document the injury. For example, if there was water there, how big was the area of water? Did it come from ice? Did it come from a soda? You need to write this stuff down because, eventually, it's going to become important.

It's also important that you seek immediate medical attention. That means not only going to the hospital but also going to your medical provider. When you go to the hospital, they're typically going to just triage you and look at life and death situations. Your personal doctor is going to look at you to make sure that any untreated injuries are properly examined.

It's also important that you hire an experienced lawyer who's handled slip and fall cases before. This is important because there may be an additional investigation that needs to be done. For example, did the water on the floor come from a refrigerator that was close by? Did it occur because one of the store employees spilled something? There needs to be a proper investigation and inspection of the facility.

How Do I Pick the Right Attorney?

When selecting a lawyer to represent your slip and fall case, you need to look at these four things when hiring a firm. Any lawyer you're going to consider

needs to exclusively be a personal injury lawyer, meaning that those are the only types of cases that they handle.

You'll also want to make sure they are a trial lawyer that will bring your case to court and advocate for you in front of a judge and jury. Another important factor is whether the lawyer is board-certified, which means that he's recognized as one of the top 3% of lawyers in the state handling these types of cases.

Finally, you should ask about the lawyer's previous cases and if they've had success in the past. He should be able to show you prior results and be able to talk to you about them.



What Mistakes Should I Avoid?

Some of the common mistakes we see people make after being involved in a slip and fall case is that they don't report it. They neglect to report it to whatever business or property they were on. Therefore, if no documentation is made, there's no evidence preservation, and there's no further investigation made into it.

Another mistake that we typically see is that people don't contact attorneys right away to seek legal advice. Seeking legal advice is obviously very important whether or not you think you have a claim. It can be greatly beneficial because we can offer advice that you otherwise wouldn't have.

Another important thing that people forget to do is select attorneys who specialize in slip and fall cases. That's important because they obviously have more experience and skill, and they're better trained in that aspect of the law. Last, another mistake that we typically see is that people don't seek medical attention, which is harmful to their health and damaging to their claim later on.

How Much Is My Case Worth?

There are several factors that we need to look at when determining the value of a slip and fall claim. First off, what are the extent of the injuries? Did you break

your back? Do you have a herniation in your neck? Did you tear a meniscus or something in your knee?

The second thing we need to look at is how and why did the accident happen. Were you wearing slippery shoes? Was the pavement or the tile wet? Was there ice in the area? For example, if they were mopping, were there any wet floor signs? Were there warning signs that the floor may have been slippery?

The other thing we could look at to see is the material of the area where you slipped. For example, was it a slippery type tile? Had they put varnish on the tile? Had they put a type of polish on the tile? These are all things that we need to look at. Lastly is the amount of insurance that the defendant has.

When you put all of these together, an experienced lawyer can help you determine what the value of the case is.

What If I Fall on Residential Property?

I had a lady come in the other day who was involved in a slip and fall accident that occurred at a residential property, which means at somebody's house. Several things need to be done after this type of injury. One of the first things that you need to do is notify the residence owner to let them know that the injury occurred so it can be reported to their insurance company.

It's also important that the individual seek immediate medical attention to make sure that they are properly treated both at the hospital and with their family doctor. It's also important to hire a lawyer who's experienced in these types of accidents to make sure any investigation is done promptly. There may be videos or surveillance cameras around the house that can be obtained if immediate notice is sent.

How Long Will This Case Take?

A slip and fall case in the state of Texas generally may be resolved within a year. I say that because the majority of slip and fall cases aren't severe. However, if they are severe, that puts us into another category. It might take two years to resolve if the injury is more serious.

Again, it depends on how badly you were hurt and what kind of treatment you have to go through. Once we know that, then we can go to the insurance company and see if they are willing to settle the case with a fair offer. If you're not willing to accept, then we have to file suit. Then we worry about the court's docket, how many cases are in front of us, and how long it will take to reach that day of trial.

Those are the factors that we have to look into.

Does a Warning Sign Affect My Case?

The other day, a client came in after suffering a slip and fall at a store. They were worried because, after the fall, they were informed there was a warning sign present in the vicinity where they fell. They wanted to know if they still had a claim and could recover damages.

The answer depends. It depends on where the sign was located, how visible it was, and where it was in relation to the area where you fell. What we recommend you do is report the incident right away to store management so that there is documentation and there is preservation of any videos or store footage.

Another thing we recommend is that you seek legal advice and select an attorney who has a lot of experience in personal injury so that they can better advocate for you and your rights.

CALL OUR OFFICE TODAY FOR A FREE CONSULTATION

If you have been seriously hurt in a slip and fall, then you can be eligible for compensation through a slip and fall case. Our Texas slip and fall lawyer will guide you through your case step by step and take over all of the tough legal factors so that you can focus your energy on healing from your injuries. You will be treated like a priority as well you should and we will make sure you are always fully informed about the goings on of your case.

ABOUT THE AUTHORS:

Garcia & Ochoa, LLP is a dynamic law firm with an ever-evolving quest for excellence, yet our focus is not myopic in any way. We passionately share our knowledge in a proactive, thorough and open manner. We always make time to help our clients & colleagues and never too busy for your questions, comments or concerns.

Over the course of the past three decades, we have successfully handled a wide variety of cases against companies and individuals in Texas and across the nation.



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