

OKLAHOMA SLIP AND FALL GUIDE

*Holding Negligent Property
Owners Responsible*

JAMES V. MURRAY





Injuring yourself in a slip and fall accident can feel frustrating and maybe even a little embarrassing. These are usually completely avoidable accidents that can result in some serious injuries. If you were seriously hurt in a slip and fall accident, you may be entitled to compensation for your injuries.

Our Oklahoma slip and fall lawyer James Murray can help you seek this compensation. If you have any questions, please call our Stillwater office today for a free consultation.

OVERVIEW OF SLIP AND FALL INJURIES

First and foremost, in order to be able to bring a claim, your injury needs to have been due to the negligence of others. If you were at the grocery store and you were on your phone, wearing flip flops and not paying attention to your environment, you might be determined to be at fault for your slip and fall. The insurance company will argue that if you were in proper foot wear, and you weren't on your phone, you may have seen the hazard that made you slip and fall and hurt yourself. However, you may certainly be eligible for a claim if you were turning the corner at the store and fell on a spill that no one had cleaned up yet.

You may be wondering if a warning sign matters in your case. This will vary case to case. If the sign was found to be unhelpful, the sign will not matter. For instance, if someone placed a wet floor sign in a hallway, and you came in from an entrance where the sign wasn't visible, you won't be liable for that accident. Proving that the property owner was at fault for this accident is going to be key for getting compensation. Whether this accident was at someone's house, or at a big chain restaurant, you will have to prove negligence. The owner of the property would have had to have been aware of the hazard and done minimal effort or none at all to be found liable.

Your case value can be determined by the extent of your injuries. Some common slip and fall injuries include:

- » Broken bones
- » Concussions
- » Lacerations and abrasions
- » Bruising
- » Spinal cord injuries

You very well may have sustained more than one of these injuries. All of this comes into play with how much you can be compensated for. If you had to miss out on work, needed surgery, couldn't perform household chores, couldn't drive yourself, or required physical therapy, all of this will increase the value of your claim.

COMPARATIVE NEGLIGENCE STATE

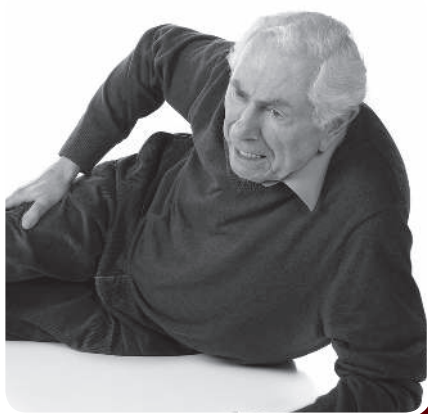
The insurance companies will try everything that they can in order to pin the blame on you. It can be quite frustrating especially when you know that you were not to blame for this accident. To avoid having the blame placed on you, it's so important to be cautious when you're talking to the insurance company. They will call you and they may even try to come see you in the hospital. It is crucial to your case that you do not give them any statements. They are trained to ask you questions that will incriminate yourself. You have to be so careful. If they call you, tell them that you will be acquiring council and call communications can go through your lawyer.

If you are pinned with fault, it will affect your ability to collect compensation. Oklahoma follows the rules of comparative negligence. If you are found to be more at fault than the other party, you won't be able to get any compensation at all. That is why it is so important that you get a good attorney on the case, so that they won't let the insurance companies take advantage of you. Don't be discouraged by these rules. You can get compensation if you are found to be at fault for 49% or less. For instance, you can get \$9,000 of \$10,000 of your award

if you were only found to be 10% at fault. Your attorney will fight to have you determined as little at fault as possible.

FILING YOUR CLAIM ON TIME

There are many things to think about with a slip and fall claim, but the most important one of all is getting the claim filed on time. From the date of the accident, according to Oklahoma statutes, you have two years to file. Now, if you wait a year and 364 days to finally contact an attorney, you may be out of luck. There are steps that need to be taken before all the paper work will be filed and evidence gathered, etc. It certainly is a process. Therefore, you need to give your Oklahoma slip and fall lawyer some time to get everything that they need together.



FREQUENTLY ASKED SLIP AND FALL QUESTIONS

How do I pick the right attorney for my case?

When you look for an attorney for a slip and fall injury case, you need to find an attorney who is experienced in this area, who has a track record, who takes on the insurance companies on a regular basis, and who has trial experience. You need to hire an attorney who can get you to the professionals you need, who seems to understand the kind of experts they need to hire and has the ability to do so. You need to hire an attorney that you get along well with, an attorney you believe cares about your situation. You need to go with your gut. You need to go with someone that will be your champion and will be able to take your case all the way to trial if need be.

What mistakes can I avoid?

The most common mistake I see when people who have been injured in a slip and fall are one, they think it's their fault. They think they're clumsy. They don't think that they shouldn't say anything to the store owner or the person that owns the property. That's just not true. You need to make sure you contact an attorney and help them understand what happened and what the circumstances were like. In a lot of cases, it's not the person's fault that slipped, fell, and got hurt; it's the premises owner who didn't keep a safe and orderly floor plan out there. Don't think it's your fault.

The second mistake people make in a slip and fall injury case is they don't seek medical treatment soon enough and if they do seek medical treatment, they don't do what the doctor asks them to do because they don't think they have time or they can't afford it. Doctors professionals. When you see a doctor, follow their advice. If you don't, it will come back on you when you try to negotiate your case or you try to go to trial with your case.

The third mistake clients make is they don't hire attorneys soon enough and so a lot of the evidence is gone. The store might be remodeled. The event, device, or structure that caused the slip and fall might be gone now, might be disappeared, might be fixed, and so you can't take good pictures of really what happened to show a jury. Hire an attorney. Select an attorney and let them take care of the investigation, the preservation of evidence, and help them orchestrate this case for you and direct you in the right ways.

What if I fall on faulty handrails?

If you're visiting a store, and you believe that a handrail was faulty and gave way or caused you to become unstable, and you slipped and fell, what you really need to do, first of all, is make sure you file an incident report. Make sure you give them notice. Make sure you take pictures. Make sure you preserve the evidence. Make sure that you contact an attorney to help you do the investigation. Attorneys have investigators that go out and will take an extensive number of pictures, interview any witnesses, and make sure they preserve the witnesses names, addresses, and contact information.

The attorney can also find an expert on handrails or other types of devices, in a commercial setting or a home/residential setting, to determine if the handrails were properly designed, properly installed, and if they meet code of the city or the municipality that you live in. As you see, the real key here is hiring an attorney early on so you make good and informed decisions. You can't roll back time so you can find witnesses and evidence because in these types of cases, the evidence disappears very quickly when things are fixed or removed.

What if I fall on faulty steps?

If you have a slip and fall case and you think it might be faulty steps, to determine whether or not you have a claim, you need to have an expert or somebody who understands construction help you. They should know what the appropriate codes are, how long the steps should be, what the elevation is, how wide they should be, or if they have the right slip-proof covering. To find those is difficult. However, if you hire an attorney early on, they have access to these kind of experts and they can hire experts to look at this case and determine if you have a claim for faulty or inadequately constructed steps. What you don't want to do is just assume that you can't, and do nothing, and then you're in trouble because the evidence might not be preserved, you might not be able to find the witnesses, and then you have no claim at all.



Does it matter that there was a warning sign for slippery floors?

One of the questions that comes up regularly is, "I slipped and fell, but there was a warning sign that said it was slippery. How does that impact the claim for personal injury?" Well, it definitely is something to think about. You have to take pictures of where it was. Was it in a good location? Was it properly located? Could you see it from the traffic direction you were coming from? Was it hidden? These are all factors you have to consider. Just because there's a warning sign, doesn't mean it was effectively posted and you were able to see it.

You need to hire an attorney because there are experts that do this for a living. They design these things; they train people on how to put up these warning signs. If the warning sign wasn't put up properly and it was obscured in any way, that is not a bar for your recovery. I would suggest that if you have a situation like this, after you go see the doctor and follow his counsel, you hire an attorney immediately to investigate this case and get their professionals to look at the dynamics and the factual pattern of this, and make a determination for you.

How do we prove who was at fault?

A lot of times in slip and fall cases, there aren't any witnesses. It's just one person – you – in a store, on a sidewalk, and you slip and fall and hurt yourself. No one sees it. You go immediately and you make an incident report that you fell. The only way to prove this – that it was not your fault; it was the fault of somebody else – is your testimony and it's also preserving any evidence there is, whether it's taking pictures of the surface that day, or shortly thereafter. I would suggest that if you're ever involved in a slip and fall incident, you take pictures immediately with your phone, or have your family members do it, or even have the store take pictures for you because the condition at the time of the slip and fall or the incident that causes problems is extremely important.

What if I fall on residential property?

If you're injured at a residential house or home, what should you do once this happens? What are the steps you need to take? The first step you need to do is you need to get to a doctor. You need to go and get checked out by a healthcare professional and not only be checked out, but follow their advice. If they want you to see a specialist, go to a specialist. If they want you to stay in bed, stay in bed. Don't disregard what they want you to do because they have your best interest at heart; they want you to get healthy and so do we. There's no amount of money you can recover that can be exchanged for your health.

The second thing you need to do is make sure you know the name, address, and phone number of the person's house that you were injured at. You have to understand how you were injured and why you were injured. The third thing you need to do is contact an attorney. Get this information to them, tell them what happened, and let them do the investigation. Let them find out what happened.

Let them take the pictures, preserve the evidence. Let them contact the insurance company. Don't give any statements to the insurance company. That can only hurt you; it can never help you. Those are the three big things you need to do.

What if I fall on city property?

The question often comes to me about suing a city, municipality, or school if the sidewalks or curbs are not in good repair, or they have some unique construction problems. The answer is yes, you can sue a municipality or school. However, you need to determine that they had notice of these problems and they haven't fixed them, that these various issues with construction and maintaining of sidewalks/curbs had been brought to their attention and they failed to act, that there's been other injuries there, that they're unsafe for the public.

Again, if you hire an attorney early on in the case, he can hire experts that will have this knowledge. They can look at situations. They can take pictures of the evidence and preserve it, whether it's potholes, cracks, or uneven concrete. Whatever it is, they can make a determination. If they determine that the city, school, or municipality was negligent in failing to maintain or construct these types of structures, then you do have a claim.



How much is my case worth?

Clients ask me on a regular basis, "What's the value of this slip and fall case?" Those questions can't be answered in a single sentence. It takes time to understand all the facts and the issues of your case to put a value on it. We need to know how serious your injuries are. Will you ever be able to function at the level you did before? Can you still enjoy your family? Can you still enjoy your passions or your hobbies? These are all things that have to be determined.

Another thing that has to be determined is the defendant – the store owner, the city, or whoever caused the slip and fall. What's their behavior been like? Has this happened four or five times last week at the same place, and they've never

fixed it? These are things that have to be determined. There's no quick answer on how much your case is worth for these reasons.

How long will my case take?

People often ask, "How long will a slip and fall case take to finish and get money?" I can't answer that question because there are so many factors involved. One is how long it will take you to heal, how long it will take us to evaluate your case, how long it will take us to get all the evidence we need to look at, and where all the witnesses are. We have to do all the initial stuff first. Second, we don't know if the insurance company is going to be reasonable and offer a reasonable settlement offer. If they don't, then we have to file a lawsuit. If we file a lawsuit, then it's a whole other situation. We have defense lawyers, maybe several, to deal with. We have a court system that we have to get a jury trial date, and we don't always get exactly what we want when we want. It can take several years to resolve this case at the end, but if you hire an attorney early, you have a better chance of getting this thing started quicker and ending sooner.

What are slip and fall statute of limitations?

If you're involved in a slip and fall, or any type of situation on a premise of a store or anything, you have a two year statute of limitations to bring your case or settle your case. My counsel to you is not to wait until the last minute to make decisions. You don't want to feel rushed. You don't want to make quick decisions without time to think about it properly. If you hire an attorney early on in your case, when you have a slip and fall injury or any type of injury on premise, then this attorney can take care of all the investigation, and preserve the evidence. They can deal with all the issues. They can deal with the insurance company, and you won't put yourself in a situation where you might say something or do something that may be detrimental to your case. I would suggest that you hire an attorney and let them worry about when and how to do things.

CONTACT OUR OKLAHOMA SLIP AND FALL LAWYER TODAY

You deserve compensation. Don't let the insurance company bully you out of getting what you deserve. Call James Murray of Murray Law Firm today for a free consultation. You need an experienced attorney at your side.



ABOUT THE AUTHOR

When James Murray was 15 years old, he watched President Richard Nixon's Watergate scandal unfold before him. The corruption displayed by the White House and in politics in general during that time inspired James to pursue law so that he could make a positive change and a real difference in the country. To reach his goal, he attended undergrad — and later, law school — at the University of Oklahoma. In 1985,

James was admitted to the Oklahoma Bar Association and his career as an attorney began.

As a personal injury lawyer, Attorney Murray enjoys helping people. "It's easily the most satisfying part of my job and it's what drives me to come in to work every day. Those whom I help are real people with real problems, not walking ATMs that come in to my office to spit out money for my services and then leave. In personal injury, it's important to remember that clients are more than just clients. I always make sure that I do.

"Through my cases, I can truly help the people who need it. For instance, when a car wreck killed the parents of two young children, our attorneys were able to settle the case on behalf of the now orphaned children for a figure in the mid-seven figures. No amount of money can bring those children their parents back. However, through the work we did, we were able to ensure that the children will be taken care of financially for the rest of their lives.

“When I’m not in the office, I spend time with my wife, who I love very much, and volunteer at my church. I also work extensively with the Boy Scouts of America because I truly believe in the importance of instilling great values in our nation’s young men. It’s no wonder that all six of my sons are Eagle Scouts. Between the six of them, I have 11 wonderful grandchildren, and I watch with pride as my sons pass those same values on to them.”

Education

- » JD - University of Oklahoma
- » BS - Oklahoma State University, double major in Accounting and Agriculture Economics

Professional Association & Membership

- » Oklahoma Bar Association

Community Involvement

- » 2000-2007 President of Oklahoma Assisted Technology - Non-Profit
- » Scoutmaster Troop 822 - current
- » Chairman of the BSA-LDS Oklahoma Encampment 1997 and 2007
- » Eagle Scout & Duty to God Award
- » Past President of Payne County Bar Association
- » Chairman of the Law Day Committee of the Payne County Bar Association

