

# JACKSONVILLE SLIP & FALL INJURY GUIDE

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

Edwards  Ragatz, P.A.

Personal Injury and Commercial Trials



It can be embarrassing to fall when you're at someone's house or shopping in a store, but it can be downright frustrating when that fall leaves you injured, especially if it's not your fault. Many times, when people are injured in a slip and fall accident, it is to no fault of their own. Our job is to protect your right to full and fair com-

penensation. Whoever is liable for your slip and fall will be held accountable for your injuries. Once you read more about your slip and fall case, please do not hesitate to call the Jacksonville slip and fall lawyers at Edwards & Ragatz to get a free consultation.

## TYPES OF SLIP AND FALL INJURIES

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You can slip and fall just about anywhere. While you may not have a case if you trip over your own mess in your house, you might have a claim if you trip over the broken sidewalk on your street. You might have gone to the grocery store and slipped in a puddle of something on the floor. You could have been in someone's backyard and fell on their patio stairs. All of these scenarios typically warrant a slip and fall case.

When you slip and fall, your damages will be compensated. Sometimes that means more than your injuries. If, when you fell, your phone was broken, you may be able to be compensated for that. Most of the time, you will be seeking compensation for your injuries. The most common slip and fall injuries include:

- » Broken bones and fractures
- » Contusions and concussions
- » Slipped discs
- » Spinal cord injury
- » Knee injuries
- » Neck or back injuries

Fortunately, some people are able to make a full recovery after their accident. Perhaps you will require physical therapy or be suggested to get regular

massages or chiropractic care. There are some unfortunate cases where they will only be able to recover partially from their injuries. It might require surgery to get them back on their feet and even then, it could only be a partial recovery. All of these factors go into how much you will be compensated.

## FLORIDA STATUTES OF LIMITATION

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In Florida, when you are hurt in a slip and fall, you will have exactly four years from the date of the accident to file a case in civil court. In that time, you should not be waiting to get the ball rolling on your case. Four years is a long time, but it is unwise to wait because when you are hurt, there is evidence that needs collecting, and there are witnesses who need to be tracked down and spoken to. These things cannot be done years later. The store you slipped in is going to clean up the spill after some time, and anyone who saw it will eventually forget the fine details. That is why we encourage people to hire an attorney as soon as possible.

## HOW COMPENSATION WORKS

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Florida pure comparative negligence law states that you can recover compensation even if you are deemed to be 99% at fault for the accident. The way pure comparative negligence works is, you are found to be at fault from a percentage of 0 to 100. If you are found to be 100% at fault for the accident, you will be barred from compensation. If you are found to be 0-99% at fault, you can collect an award, but it will be reduced by your percentage of fault. For example, if you are found to be 30% at fault for your slip and fall, and you have been awarded \$10,000 for your injuries, then you will be able to collect \$7,000 of that award. We make it our job to prevent the insurance company from putting any fault on you for the slip and fall.

# AVOID TALKING TO THE LIABLE PARTY'S INSURANCE COMPANY

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The absolute worse thing you can do for your case is talk to the liable party's insurance company. They will be reaching out to you very shortly after the slip and fall and they will ask to get a recorded statement from you. You are in no way legally obligated to give them any statement. You really should not say anything to them about the case if you want full and fair compensation. They will try to trick you into saying something that would reduce their responsibility for your injuries or allow them to throw out your case altogether.

## FREQUENTLY ASKED SLIP AND FALL QUESTIONS

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### *How Do I Find the Right Attorney?*

I had a potential client call the other day asking what to look for when choosing a slip and fall attorney. One of the things I think is very important on these types of cases is that you select an attorney who is consistently with you from the start of the case to the end of the case. Creating that relationship allows us to effectively advocate for you. Those types of attorneys that really try to focus on that relationship is very important.

Another thing is how well your attorney knows slip and fall laws. The law here in Florida is very specific. Make sure that attorney knows all important aspects of the law as it pertains to your case. Also, to have an attorney that's got investigators quickly at hand is very important. For you to quickly have investigators to be able to go out, talk to witnesses, survey the area, take photographs, and preserve the evidence is extremely important.



## *What Mistakes Should We Avoid Making?*

I had a client call me asking what mistakes should be avoided after a slip and fall injury. One of the biggest things that we see with slip and fall cases is when someone has fallen and hasn't notified the manager of the store or landlord where the accident took place. You need to give notice to the property owner that there was something there on the floor or leaking from the ceiling that caused your injury.

The second biggest thing was that they didn't go and seek medical treatment as a result of their injuries. That lapse of going to the doctor after being injured gives a gap of time that the other side likes to negotiate and say, "Well, obviously, your client's not injured. If they were really were significantly injured, they would have gone and sought medical treatment right away." It's something we can overcome, but it makes for a much more difficult case.

Another big thing that we see is once you get medical treatment that you fail to comply with what your doctor has told you to do. Once again, the other side is going to negotiate and say, "Obviously, your client's not injured. Otherwise they would have done what the doctor told them to do."

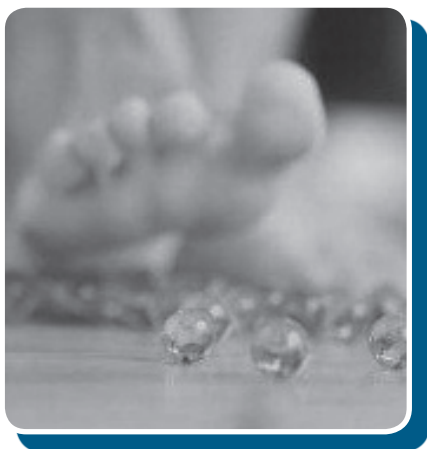
Another thing that we see as a mistake is not seeking the right type of an attorney. You need a trial attorney, like we have here at Edwards & Ragatz, that takes your case and works it from start to finish — from the time that you sign up to all the way to trial, if necessary. They are able to more effectively advocate for you because they have created a relationship, which you don't see in other firms.

## *Can I Bring a Case for a Faulty Handrail?*

We have had cases throughout the years where people have been either on commercial property, or residential property, and have fallen down a set of stairs due to a faulty handrail. Often, these are significant cases. The injuries can be severe. You have to get treatment immediately.

After you get that treatment, and following up on the advice of your physicians, what you need to do is contact a lawyer who has experience in handling these types of premises liability cases. You need an attorney to get an investigator out

there to take pictures, to secure the scene, to protect the handrail, to determine why it was a faulty handrail. Was it a missing screw? Was it a missing nail? Based upon the condition of the property overall, your attorney may be able to see things immediately that will help him in the future if your case ever has to go to trial. That's what we do at our firm. We look at every case as if it's going to trial. That's how we bring you value in your case.



## *Can I Bring a Case for Faulty Stairs?*

Often, people will call me with a premises liability situation where they slipped and fell on a faulty step asking if they have a case. If it's a faulty step that caused you to fall and get injured, you absolutely have a case. Quite frankly, most of these people have very significant cases because the injuries are often severe. In that type of a situation, I tell them it's

imperative that they get medical treatment. Usually, by the time they've contacted me, they already have.

You need an attorney to preserve the evidence that you're going to need to try your case. The attorney will hire an investigator who will take pictures and measurements of the faulty step to determine what exactly went wrong.

You need that done immediately because that homeowner, or whoever owns the premises where you fell, are hiring their own people to do the exact same thing. They may be destroying things that you will need to prove your case. That is why it's so important that you talk to an attorney sooner rather than later, especially in those faulty step type cases.

## *Does a Warning Sign Ruin My Case?*

Many times, clients who have been injured in a slip and fall accident don't think they have a claim because there was a warning sign nearby. Oftentimes, that is not the case. Just because there is a warning sign on the premises doesn't mean that the warning sign is in the right place or has the right visibility. More importantly, the fact that there's a warning sign doesn't mean that there's a condition on that property that the sign is not warning you of.

Just because there's a warning sign in one spot doesn't mean there could be another slipping hazard in a different area. How are you supposed to know there is a spill there? For instance, a grocery store has cameras monitoring every aisle. They know where the water is, but you don't. Just because they had a warning sign in the front of their grocery store doesn't mean that should impact your ability to recover for the injuries you sustained due to that premises' negligence.

## *How Much is My Case Worth?*

I had a client who was a slip and fall client call me the other day asking how much their case is worth. The components that I would look at in order to give a value to the case are the cost of medical bills, and how much potential future medical bills could be. We also have to look at what the pain and suffering was as a result of the injuries and medical treatment. Some medical treatment is highly invasive. It can be very painful. We put a value to that. We also look at the type of fall it was, how significant of a fall, and put a value to that, too.

Once we take all those components together, we then come to a mutually agreeable number between us and our client. Then we negotiate with the other side, ask whether or not we can settle the case or whether we have to take it to trial.

## *Can I Bring a Case Against a City?*

Oftentimes, we get people who have been injured after they fall or trip on a curb, sidewalk, or pothole asking if they can sue the city or county that owns the property. The answer is a resounding yes. If you are hurt due to that county or city's negligence, you absolutely have the right to go after the city or the county government. There are special rules in these cases, which is why you need an attorney that understands these laws.

For instance, you can't sue that city or county unless you give them proper statutory notice under the sovereign immunity rules. You need an attorney with experience in suing the county or government and how to navigate that system. Similarly, you need an attorney that can tell you what the caps are on what you are able to recover from that city or county. You need an attorney that can

navigate the sovereign immunity. Absolutely, you can sue a city or a county for injuries at the hands of their negligence.

## *What If I Fall in Someone's Home?*

People who have slipped or fallen on someone's residential property often call us asking what they should do. We always tell these individuals, the first thing — as in any personal injury case — is you want to get medical treatment immediately to make sure you're okay. The second thing you need to do is get a lawyer. Your lawyer needs to start organizing things. We need to go to the scene. We need to take photographs. We need to preserve evidence, which is very important.



That homeowner, who owns the home where you were injured, may have already contacted their insurance company to conduct the same exact investigation as you. That homeowner already has the adjuster coming out, taking pictures of the residence, and trying to minimize the dangerous condition which caused your injury. That's why you need to get an attorney immediately, to preserve evidence, to take pictures of the scenes, and to help you navigate that very difficult path of suing for an injury caused on residential property.

## *Should I Give the Insurance Company a Recorded Statement?*

We often get calls from people who have just gotten seriously injured in a slip and fall asking if they should they talk to the insurance company that represents the premises where they slipped and fell. Our answer is always no. The reason for that is that insurance company wants to get you to commit on the record to saying something that could hurt you later.

They have much more experience dealing with these claims because they deal with it all the time. They will try to minimize what they have to pay you because of your fall. For that reason, they are looking to trick you. I would not give a



recorded statement unless you already had an attorney, and that attorney either advised you, or was going to be on the phone with you, which is something we would always do with our clients.

## *How Long Will This Case Take?*

Clients often ask how long their slip and fall case will take. The answer always depends. It depends on your injuries. It depends on your treatment. If you're significantly injured, I'm going to wait to make sure we get to a point where I have more of a full grasp of what your injuries are, and what type of treatment you need, not only in the past, in the present, but also in the future. That all really depends on how quickly your case goes. I never want to settle your case, or even bring a value to it, unless I have the full picture of all your injuries and treatment. Once we have a better idea, that's when we start to really negotiate hard with the other side as to whether we can settle your case, or ultimately if we have to take your case to trial.

## CONTACT OUR FLORIDA SLIP AND FALL LAWYER TODAY

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If you have been seriously injured in slip and fall case, please do not hesitate to call our Florida slip and fall lawyer to get a free consultation. We will do everything to protect your rights to get full and fair compensation. Your case is important to us and we want to make sure the insurance company of the liable party is held accountable. Contact our office today to learn more about your case.

## PREPARED BY EDWARDS & RAGATZ, P.A.

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Tom Edwards and Eric Ragatz have worked together for more than 10 years, and between them, they bring decades of experience to every case. Tom is a Board Certified Civil Trial Lawyer, the highest specialty recognition given to lawyers handling injury and death cases and has the highest rating of AV by

Martindale-Hubbell, a national attorney rating service. Eric has represented many injured clients in complex personal injury, medical malpractice, nursing home abuse and product liability cases, and has the highest rating of AV by Martindale-Hubbell.

This experience, and the personal devotion to clients and the relentless commitment to pursue justice, is why Edwards & Ragatz, P.A. is recognized for excellence in the Jacksonville area, and throughout the state. We are a dedicated team of various fields of expertise that serve clients with compassion and the utmost professionalism, making us one of the most trusted law firms in Jacksonville. From seasoned trial lawyers to paralegals and registered nurses, you can rely on the Edwards & Ragatz, P.A. team to deliver the comprehensive service and personal care your case deserves.

If you find yourself in an unfortunate situation and need medical malpractice lawyers or a personal injury attorney in Jacksonville, we will use our legal experience and vast resources to get fair compensation for your injuries. Together, we'll put the law on your side.

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