

SLIP AND FALL INFORMATION

One of the most common areas of inquiry we receive as personal injury attorneys is regarding a slip and fall injury. Many people are under the mistaken concept that if they are injured on the premises of another, then the premise owner is strictly liable for all general damages (medical bills, lost wages, pain & suffering, emotional distress, etc.). This is not necessarily the case. In order to successfully recover the above listed damages, a slip & fall victim must prove liability on the part of the premise owner. When a person is on another's property for a mutually beneficial purpose, that person is known as an **invitee** under Alabama law.

When ever a liability claim is made by an injury victim, the injury victim has the **burden of proof** regarding that claim. Simply put when an invitee falls and is injured, the invitee must legally prove that the premise owner **failed to exercise ordinary care to keep the premises in a reasonably safe condition**.

Slip and Fall Information (con't)

Further complicating recovery rights for slip & fall victims is the antiquated Alabama law of **contributory negligence**. This law prohibits victims of negligence from recovering if their own negligence proximately caused the injury in any manner.



This brochure is provided as a courtesy and without payment. It should not be considered a substitute for legal advice from an experienced attorney. The reader is reminded that some premise owners have policies of insurance in effect which provide for payments of medical bills related to an on-premise injury regardless of negligence issues. This type of coverage is generally known as Medical Payments Coverage (Med-pay).

SELECT LAWS FROM THE ALABAMA PATTERN JURY INSTRUCTIONS:

Invitee: APJI 31.00 An invitee is a person on the premises of another at the express or implied invitation of the owner or occupant and for a purpose in which the owner or occupant of the premises has a beneficial interest.

Duty Owed to an Invitee: APJI 31.01 The duty of the owner or occupant of premises to an invitee is to be reasonably sure that he is not inviting another into danger and to exercise ordinary care to render and keep the premises in a reasonably safe condition.

Contributory Negligence: APJI 30.00 Contributory negligence is negligence on the part of the plaintiff that proximately contributed to the alleged injury.

Effect of Contributory Negligence: APJI 30.02 If you are reasonably satisfied from the evidence that the plaintiff was guilty of contributory negligence, the plaintiff cannot recover for any initial simple negligence of the defendant.

For more information or a free consultation call: 433-7766

AT OUR FIRM...

We care about our clients...Unlike many national and regional law firms that burden the TV with advertisements and solicitations for personal injury clients, we rely on the recommendation of our services by word of mouth. Every year almost 90% of our new clients come to us from the recommendations of three main groups: 1) Former clients or their families, 2) other lawyers or their support staff, and 3) area healthcare providers or their staff. (Insurance adjusters have even recommended our services to their friends and families!) Why do so many people recommend our firm to personal injury victims? We believe it comes down to one word... **integrity**. To us this means effectively communicating with our clients about their legal matter, giving our best effort to each and every client, being approachable and easy to talk with yet always being candid in our assessment, advocating for our client vigorously and most important, treating each client with the respect they deserve.

We not only have a mission statement, we live it... Over the last few years more and more law firms have started using "mission statements." Some of these mission statements are pretty catchy and sound promising. Yet there's no substance behind the words. Since 1999, when we first attached a mission statement to our letterhead, we have worked hard every single day to live up to the promise of our mission. We take our commitment seriously.

committed to helping injury victims and their families for over twenty years

Boteler & Wolfe

ATTORNEYS AT LAW

A Partnership of Professional Corporations

1252 Dauphin Street
Mobile, Alabama 36604

251 433-7766

www.botelerwolfe.com

We can help you with all your insurance questions and claims. We're friendly and easy to talk with. Consultations are free.

Call us today!

The following is required by the Alabama State Bar Association: No representation is made that the quality of legal services to be performed is greater than the quality of legal services performed by other lawyers.

THE BASICS OF PREMISE LIABILITY LAW IN ALABAMA (SLIP & FALL)



BY: MARK WOLFE, ATTORNEY AT LAW
COPYRIGHT 2010

251 433-7766