



NEW YORK SLIP AND FALL GUIDE

*Legal Help
for Serious Injuries*

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An unexpected slip or fall can cause serious injuries for victims. Were you injured in a slip and fall accident? A New York slip and fall lawyer can help you fight for the maximum compensation for your injuries.

Slips and falls seem harmless, but the truth is, this type of accident is often the cause of serious injuries. From broken ribs and neck injuries, to traumatic head injuries, a slip and fall can have devastating consequences for victims.

Many slip and fall incidents aren't mere accidents. They were caused due to unsafe conditions at the property where the accident occurred. Improper lighting or signage, slippery/icy floors and walks, and improper railing are all leading causes of slip and fall incidents.

If you were injured due to someone else's negligence, you may be entitled to compensation. Our New York slip and fall lawyers want to help. We have deep experience with New York's property safety laws, and we can help you fight for the maximum compensation you rightfully deserve. Your focus should be on recovery after an accident – not fighting insurers. We'll help you manage the entire legal process, so you can focus on recuperation.

WHAT WAS THE CAUSE OF YOUR SLIP AND FALL ACCIDENT?

Public and private property owners are responsible for the safety of their guests. They're required to warn visitors about unsafe conditions, conduct maintenance to remedy unsafe conditions, and ensure that visitors stay away from dangerous areas.

Unfortunately, some property owners don't take necessary steps to protect visitors. That negligence can have life-altering consequences for victims. Often, the majority of cases are caused by negligence. A few common examples include:

- » Wet floors

- » Lack of handrails
- » Unstable conditions
- » Obstructions in the walkway
- » Unsafe or improper lighting
- » Failure to provide proper signage
- » Icy walks and slippery floors
- » Missing handrails/guardrails

A qualified New York slip and fall lawyer can help you investigate the conditions that caused your accident and determine fault in your case.

SHOULD YOU HIRE A NEW YORK SLIP AND FALL LAWYER?

New York has complex slip and fall laws. In fact, property owners can argue for shared fault to limit the amount a victim can recover. For example, under the comparative negligence law, a property owner can argue that you share some of the blame for an accident, and therefore, they should not be required to pay the maximum amount you are rightfully owed.



A few examples of comparative negligence arguments include:

- » You were distracted when the accident occurred
- » You were in an unauthorized area of the property
- » You were not wearing proper footwear
- » Reasonable efforts were made to warn you of unsafe conditions
- » Or you failed to recognize an obvious unsafe condition

Under comparative negligence, a property owner can argue that you share a percentage of the blame. For example, if a jury finds that you were 50% at fault in an accident, you would be awarded just 50% of the settlement amount.

That's why it's important to hire an experienced slip and fall lawyer. The best lawyer will help you investigate your accident and build a strong case to show that you shared none of the fault in the accident. General personal injury lawyers do not have the specialized knowledge of slip and fall cases that can give you the edge you need in the courtroom.

WHAT COMPENSATION IS AVAILABLE FOR VICTIMS

After an accident, you may experience new financial and physical challenges. Financially, you may struggle to pay for medical and rehabilitation costs. And physically, you may have recurring pain, disability, or emotional distress.

Victims can fight for compensation to pay for financial and non-financial costs related to your accident. There are two types of damages a victim can claim:

- » **Compensatory Damages:** This form of compensation pays for any direct costs related to your slip and fall accident. You can file claims for:
 - Medical costs, medical equipment
 - On-going care
 - Disability
 - Pain and suffering
 - Emotional distress
 - Lost wages or lost earning capacity

- » **Punitive Damages:** If your case goes to trial, you can be awarded punitive damages. This is a form of financial punishment for at-fault property owners, in cases of gross

negligence or malice. Punitive damages are awarded on top of any compensatory damages you are awarded.

WHAT TO DO AFTER A SLIP OR FALL

In the immediate aftermath of a slip and fall, you may be severely injured, in shock, and unsure of what to do. There are several steps you can take to protect your safety. We recommend that you:



- » **Seek Medical Care** – Call 911 and seek medical treatment. Head injuries are one of the most common types of injury after a slip and fall. Victims who suffer a head injury may feel “fine,” but within 12 hours, their conditions can deteriorate quickly. That’s why it’s so important to seek care as soon as possible.
- » **Collect Evidence at the Scene** – Take photos and videos of the scene, if you are able to. Also, collect contact information for any witnesses. You may also want to record your injuries, if possible.
- » **Report the Accident** – If you are able to, report the accident immediately to the property owner, landlord, or facility manager. Ask the point of contact to put into writing an incident report that includes times, date and request a copy.
- » **Do Not Make Statements** – You should limit your communication with the property manager, as well as avoid putting details on social media. You may feel inclined to contact insurers, or you may hear from the property’s insurer. In both cases, it’s important to decline statements until you’ve talked with an attorney.
- » **Contact a Lawyer** – In New York, victims have three years to file a slip and fall claim. That’s why it’s important to contact a

qualified lawyer as soon as possible. Your lawyer can help you file claims and fight for compensation.



FREQUENTLY ASKED QUESTIONS | NEW YORK SLIP AND FALL GUIDE

What Should I Do After a Slip and Fall?

I had a client come in the other day who suffered a slip and fall in front of a commercial property. We went through the steps that we have to take; it had just happened a few days earlier. The first step is that we're going to want to get photographs of the scene where the accident occurred. We want to get photographs of the specific spot where the accident happened. I can't tell you how often the case is where a client comes to me late in the game and that defect that caused the slip and fall is no longer there. As a first step, we need to do the investigation process to make sure we get photographs of the specific location where the accident occurred.

We want to know who the property owner is. We want to do a search to see if we can identify the property owner, which we will. When we identify the property owner, we'll send them a representation letter advising them that we have a client who suffered serious injuries in a slip and fall in or outside of their property. These are the initial steps. What I tell clients is their job is to get better. Their job is to seek the medical attention that they need and to follow the advice of their medical professionals, to move through that recovery process.

How Can I Choose the Best Attorney for Me?

Number one, you want to make sure that the attorney has experience handling personal injury matters, more specifically, experience with slip and fall type cases. You want to know that the attorney is someone you can work with. You

want to meet with that attorney. You want to ask the attorney questions about the type of cases that the attorney has handled in the past. You want to make sure you feel comfortable with that attorney; that's also very important. What I don't recommend you do is take an attorney who does divorce work or estate work, or some other area of practice, and who doesn't practice personal injury in slip and fall type cases. You want an attorney who understands what needs to be done to make sure that you can get the highest possible recovery for your injuries.

What Mistakes Can I Avoid?

The other day, I got a phone call from a new client who slipped and fell on ice in front of a commercial building a month earlier. I said to her, "Did you take photographs of the location where you fell, at the time that you fell?" and the answer was no. That is a crucial mistake. Mistake number one was not getting to an attorney sooner. Mistake number two was not getting photographs of the location where the incident occurred that identified the ice spot where she fell. One of the biggest mistakes that I see is that people suffer an injury – either a slip and fall on a sidewalk or a slip on ice – and they don't identify specifically where they fell and they don't have photographs taken. If you retain competent council early on, that attorney can work with you to make sure these things are done.

Do I Have a Case for Faulty Handrails?

I had a client come to me the other day and told me that they suffered an injury walking down a flight of steps while going into the basement of a property that they were renting, and the steps did not have handrails. He was walking down, he lost his balance, and he literally fell over the side of the stairs onto the concrete below and he suffered a broken leg. The first thing we needed to do is take measurements photographs of the stairs. The first thing that you need to do is retain competent council to guide you through the process, to make sure a proper investigation is done, to ensure that we have the evidence that's needed to pursue the highest possible recovery for you down the road.

Do I Have a Case for Faulty Steps?

I had a client call me the other day who fell down a flight of steps. She wanted to know, “Do I have a case against the property owner?” I said possibly. She didn’t say that there was any defect on the step, so we have to investigate further. She came in, she retained our office. We were able to get onto the property and we took some measurements. We found that the risers in the steps were out of whack, that the step is too narrow and should be wider. There are certain code requirements that were not met, and that’s what caused her to fall. We were able to call her and tell her, yes, we believe that you have a case here. We believe that the property owner violated certain building code regulations, and we went ahead and began the process of pursuing a claim on her behalf.

How Much is My Case Worth?

There’s no easy answer to that question. It depends on the extent of the injury. It depends on whether or not the injuries are permanent in nature; that goes into the factoring of the value of the case. It depends on liability. When I say liability, whose fault is it? How much of that fault is on the part of the property owner or the managing agent, or whomever was responsible for ensuring that that location where you fell was safe? All of these factors have to come into play. Our firm will make sure that you get the highest possible compensation that you’re entitled to.



Can I Sue the Municipality?

In certain situations, you can hold the municipality responsible. Let me give you an example:

In the city of New York, there are statutes and, in the statute, it states that the adjacent property owner is responsible for a trip and fall on a sidewalk. However, if the trip and fall happens at curbside, now it’s the responsibility of the city, or if the trip and fall involved a tree, that’s the responsibility of the Parks and Recreation. There’s a good chance that you have a claim against the city. The municipality could be held responsible, but as well, you would make

sure to hire competent counsel to pursue a claim against the adjacent property owner.

Can I Sue a Residential Owner?

There are lots of factors that come into play as to what you need to do when you suffer an injury on a residential property. One, you need to get photographs of the location where the accident occurred. I don't mean a picture of the house; I'm talking about a picture of the spot where you fell. That becomes very important. The earlier those photographs are taken, the better. You want to make sure when you go to the hospital that you let the hospital and/or the ambulance personnel know that you fell while walking up or down the stairs and that that's how your injury happened, that it's documented.

You want to make sure you retain an attorney who knows how to handle personal injury litigation and how to handle slip and fall cases. That attorney will make sure the investigation is done properly, that the proper photographs are taken, if they can be taken, and that you do what you need to do to help ensure that we're able to get the best recovery possible.

How Long Will a Case Take?

There's no real easy answer, especially when dealing with slip and fall type cases. There may be more than one entity involved. There's an investigation process that we have to go through. There may be a management company that manages the area where you fell. The owners where you fell may be responsible, or it may be the management company. It could be a contractor who caused some sort of a defect at the location where you fell. These things take time to resolve. I will tell you that this firm will do everything in our power to get you a result as quickly as possible.

REQUEST A FREE CASE EVALUATION

A slip and fall can be a scary and traumatic experience. You shouldn't try to fight for compensation on your own. A New York slip and fall lawyer can help you fight for the compensation you deserve.

We want to help. Call now for a free, no-obligation case review.



ABOUT THE AUTHOR

Brian J. Elbaum was only a few years out of law school when he decided to go out on his own in 1996.

Twenty years later, he still holds fast to the same two winning principles:

- » Making sure clients are comfortable throughout the litigation process.
- » Achieving great results by being aggressive and making the responsible party constantly uncomfortable.

1996

Brian graduated from Rutgers University in 1991 and earned his law degree from Brooklyn Law School in 1994. While he had a great job at a good firm after graduating, he quickly realized that he could serve clients better on his own, unburdened by the constraints of the law firm model and approach.

Brian felt so strongly in what he was doing that for his first year he was willing to work out of his apartment – a sixth floor walkup on East 37th Street & 3rd Avenue. Getting dressed every day in a full suit and tie to work from the desk in the corner of a modest one-bedroom, Brian took the cases no other attorney

wanted. He quickly developed a reputation for making “lemons into lemonade,” helping those personal injury clients who other attorneys couldn’t.

2016

The Law Offices of Brian J. Elbaum have come a long way in 20 years. We’ve represented over 800 personal injury clients in Queens, Brooklyn, the Bronx, New York, Staten Island, Long Island, Upstate New York and New Jersey in cases involving construction accidents, auto accidents, slip & falls, medical/dental malpractice, bar and nightclub assaults, product liability, and much, much more.

We’ve stayed small by design, continuing to believe as we did 20 years ago that, more lawyers means more internal politics and reduced focus on the client. At our office, you know that every case will be handled personally by Brian. And we’ve stayed true to our philosophy, demonstrating in case after case that being tough with the adversary and compassionate with our clients is a winning combination.

Brian is licensed to practice law in New York and New Jersey as well as the federal courts. He is active in New York’s legal community as a Certified Member of the New York Trial Lawyers Association, Brooklyn Bar Association, and New York County Bar Association.

Our Office

The story of our office mirrors the story of New York’s past twenty years. We were located in 150 Broadway on 9/11, and moved to 708 3rd Avenue until downtown was ready for business again. As soon as it was, we moved to 111 John Street – until Superstorm Sandy hit and relocated us to our current location.

Today, our office is inside the historic 11 Broadway building, just outside Bowling Green. Built 120 years ago in 1896, the Western Union branch office inside our building became a focus in the investigation into the Titanic disaster in 1912 as Senator Alden Smith sought to determine whether a message from the doomed ship had been transmitted to New York’s White Star Line office next door.

Mr. Elbaum has broad experience in the areas of law practiced by the Firm and manages a team dedicated to meeting client needs. Prior to establishing the Firm, Mr. Elbaum worked for several New York law firms representing clients in cases ranging from workers' compensation to commercial litigation. He also served as a judicial intern to a New York Supreme Court Justice, investigated exchange violations as an intern at the New York Stock Exchange, and worked at an entertainment firm representing musicians. His extensive legal and business background has instilled in Mr. Elbaum a solid understanding of how to get things done in a variety of environments.

Mr. Elbaum once held the position of Vice President at an insurance company, for which he provided advisory services. This position has enabled him to gain an insider's view of the insurance industry. He translates that insight into solid advice for his clients on insurance-related matters.

In establishing the Firm, Mr. Elbaum received guidance and inspiration from his father, the late David Elbaum, Esq. David Elbaum served as Of Counsel to the Firm in its early years and provided key insights into several cases.

