

# Stair Accidents: Proving Fault

by Attorney Joseph L. Matthews

**If you've had an accident on stairs, here's how to determine if the property owner is at fault.**

Thousands of people trip, slip, or fall on stairs every year. Property owners are liable for stair accidents in the same way they are liable for slip and fall accidents. But stairs present a number of additional dangers -- some hidden and some obvious -- that merit special consideration. If you've had a stair accident, here's how to determine if the property owner is at fault.

## Liability for Slip and Fall Accidents

To be legally responsible for the injuries you suffered from slipping or tripping and falling on someone else's property, one of the following must be true:

- The owner of the premises or an employee caused the spill, worn or torn spot, or other slippery or dangerous surface or item, to be underfoot.
- The owner of the premises or an employee knew of the dangerous surface but did nothing about it.
- The owner of the premises or an employee should have known of the dangerous surface because a "reasonable" person taking care of the property would have discovered and removed or repaired it.

In addition, in almost every slip or trip and fall case, the insurance company or court will consider whether your carelessness contributed to the accident. The rules of "comparative negligence" help measure your own carelessness or reasonableness in going where you did, in the way you did, just before the accident happened.

In many stair accidents -- for example, when something has been spilled or dropped on the stairs -- the owner's liability will depend on the above inquiry.

Check the the building code's stair requirements to see if the stairs that caused your accident fail to meet any specifications. If your fall occurred on, or was made worse by, a stair or part of a stair that failed to meet the building code rules, you have a strong argument that the stairs were dangerous. This is true even if the violation is a matter of a quarter inch -- a very small differential can make a set of stairs dangerous.

For a detailed guide on how to handle your own personal injury claim, get *How to Win Your Personal Injury Claim*, by attorney Joseph L. Matthews (Nolo).