

Slip and Fall Accidents During Winter Storms

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While some welcome the winter weather, for most, it's a major hassle. We all need to walk outside from time to time, and the presence of snow and ice can make something as ordinary as safely navigating parking lots and sidewalks a real challenge. In fact, falling is one of the leading causes of preventable injury in the United States, and a large number of falls occur during the winter months.

Slip and fall accidents can cause a range of injuries, depending on a variety of factors. For example, older victims and those who have pre-existing medical conditions, such as back and neck problems, are at a much higher risk of suffering severe, life-altering injuries. That said, even falls that initially seem minor may be anything but.

Common Injuries in Slip and Fall Accidents

A few of the most common injuries we see in slip and fall accidents include:

- **Sprains and Strains:** Sprains and strains both involve the tearing or stretching of soft tissue. Sprains affect ligaments, whereas strains affect the muscles of tendons. Both typically result in a limited range of motion, and both can be incredibly painful. In winter weather slip and fall accidents, sprains and strains most often affect the wrists and ankles.
- **Fractures and Broken Bones:** According to the [National Floor Safety Institute](#), one in 20 falls result in a fracture or broken bone. In this case, a victim's recovery will depend on which bone is broken and how bad the break is.
- **Back and Spine Injuries:** Slip and fall accidents are a leading cause of spine injury in the United States, causing about 31 percent of all new spinal cord injuries each year. If you land on your back the force from the fall can actually fracture the vertebrae, which can apply pressure on the spinal cord, potentially leading to excruciating pain and even permanent paralysis. Another common back injury related to slip and fall accidents are herniated, slipped, or compressed discs – the fibrous cushions that rest between the vertebrae – that when damaged can cause severe pain and reduced mobility.
- **Head and Brain Injuries:** In the most serious slip and fall accidents, the victim's head collides with the ground first. Brain injuries are incredibly serious because they can worsen

over time if they are untreated. It is imperative that anyone who fell and hit their head gets checked out by a doctor right away.

Proving a Weather-Related Slip and Fall Claim

All property owners have an obligation to keep areas accessible to guests reasonably safe. This extends beyond the building itself, and to common areas, parking lots and sometimes sidewalks. When a guest is injured, the property owner may be liable for the victim's injuries through a premise's liability lawsuit.

While every case is different, there are few important issues that frequently come up in winter slip and fall accidents.

Who is responsible for maintaining the property?

In some cases, such as a slip and fall on a neighbor's walkway, this is straightforward. However, if you fell while in a parking lot, sidewalk, or business's common area, it may not be easy to find out who is at fault. Identifying all potentially liable parties helps determine the amount of insurance coverage available.

What if I know the property owner?

It is common to slip and fall on friends', neighbors' and family members' walkways, but many victims may be hesitant to bring a claim against someone they know. However, if the homeowner has property insurance, the insurance company is the one who is ultimately on the hook for your injuries. In fact, this is the purpose of buying insurance.

What if the property owner claims I am responsible for the fall?

One of the most common defenses property owners rely on is claiming that the accident victim was partially at fault for their own injuries. States vary in how they handle situations in which the plaintiff shares responsibility for their injuries. There are three types of laws that state use:

Pure comparative fault: Any victim who suffered injuries as the result of an accident can pursue a claim against any other at-fault party. The accident victim's damages will be reduced by their percentage of fault, regardless of whether they are one percent or 90 percent responsible.

Modified comparative fault: Similar to pure comparative fault, under a modified comparative fault analysis, accident victims who share responsibility for an accident can recover reduce compensation, based on their own percentage of fault. However, victims who are more than 50 percent (or 51 percent, in some states) cannot recover for their injuries at all.

Contributory negligence: Contributory fault bars any plaintiff from recovering for their injuries if they were at fault for causing the fall. This applies even if the accident victim was only one percent to blame for the accident.

How Much Are Slip and Fall Cases Worth?

Although every case is different, there are generally two types of damages in slip and fall premises liability claims:

Compensatory Damages

Compensatory damages refer to the out-of-pocket costs you incur as a result of the accident, as well as the costs related to your emotional and psychological damages. All of the following fall under the umbrella of compensatory damages:

- Medical expenses, surgeries, follow-up doctors' appointments, and physical therapy or rehabilitation expenses;
- Lost wages if your injury caused you to miss work;
- Reduced earning capacity, if you can no longer work at the same job due to your injuries;
- Compensation for the pain and suffering you endured; and
- Money to cover the costs of any future medical costs related to your injuries.

Punitive Damages

Punitive damages are not directly related to your injuries, and instead punish a company for being reckless and irresponsible. The idea behind punitive damages is to prevent similar negligence in the future. These damages are not always available in every case, but when they are, they tend to be substantial.

What to Do Immediately After Falling on Snow or Ice

1. **Seek medical attention:** Visiting the doctor after a winter slip and fall ensures that you receive the medical attention you need, and documents your injuries. This makes it difficult for a property owner or insurance company to claim they were caused by something else.
2. **Report the accident:** After an accident, be sure to report your fall to the property owner. This will create a record of the event, which can be useful during settlement negotiations.
3. **Document everything:** When possible, gather evidence of the conditions that caused your fall. If you fell on uncleared snow or ice, take a picture of the area with your cell phone. Also, be sure to keep copies of all paperwork, including accident reports, medical bills, copies of x-rays, and any written statements given by witnesses.
4. **Be careful talking about the accident:** Try not to talk about the accident with the property owner, as anything you say could later be used against you. Along those lines, avoid posting about the accident on social media.

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