

An Insider's Guide to Maximizing Slip & Fall Settlements

Of all personal injury actions, slip and fall cases are the most difficult to win. As a result, they are often shunned by plaintiffs' counsel and undervalued by defendants and insurance carriers. They need not be.

Slip & Fall Practice, written by an attorney-engineer who has consulted on over 9,000 fall cases (including 1,000 that went to trial), provides an organization system and the tools to efficiently develop persuasive slip and fall claims:

- **How to pick winning cases**, including statistics behind defense wins, the ten most common mistakes made by plaintiffs' attorneys, and case evaluation checklists. *Chapter 1*
- **Strategies for overcoming the common obstacles of notice, duty and comparative fault.** *Chapter 2*
- The science—in plain English—necessary to re-create the **mechanics of the fall.** *Chapter 3*
- **Tests, measurements, standards, and checklists** for evaluating hazards—from slipperiness of floors and safe light levels to width of handrails and depth of stair treads. *Chapters 4 and 5*
- The **special problems and requirements** in commonly encountered falls, complete with representative fact patterns, sources of evidence, and discovery checklists. *Chapter 6*
- Interrogatories, deposition outlines and other discovery tools to **document the hazard**, even when you don't have a witness. *Chapters 8 and 9*
- **Pattern questions for depositions and cross-examination of opposing experts.** *Chapter 10*
- Techniques and outlines for **proving and maximizing damages.** *Chapter 11*
- Common **defense views and tactics**, including evaluation, affirmative defenses, and pretrial preparation. *Chapter 12*
- **Sample openings and closings, jury instructions, checklists for trial preparation and organizing trial notebooks, and other trial aids.** *Chapters 14 and 15*
- Tactics for specific fact patterns, including falls in the workplace, on public property, in markets, in residences, on construction sites, on playgrounds, on ice or snow, and by the elderly or disabled. *Chapters 16-24*



My cases settled at higher amounts than previously expected, and I attribute this to the information and insights I gleaned from the text, especially the negotiation section.

Leslie Keith Kaufman
Santa Ana, CA



Book Review Excerpt

“Turnbow pays special attention to the issue of notice, which is often the most critical and most contested issue in slip and fall cases. The defendant’s actual notice of a hazard may be evidenced by the knowledge of employees or agents, or by incomplete or inadequate repairs.

“Constructive notice is more difficult to prove, as it depends on the foreseeability of the hazard, and the reasonableness of defendant’s safety procedures. The book provides helpful tips for both sides on developing the notice issue through defendant’s inspection and maintenance records and safety practices.

“Turnbow also cites several useful cases on the foreseeability of spilled food, broken glass, or other “transitory hazardous conditions” in self-service retail stores. The frequency of these mishaps may alone be enough to establish constructive notice of the hazard, and the duty to take reasonable precautions.

Safety Standards

“Turnbow’s technical chapters are an excellent, accessible introduction to the arcane science of human bipedal locomotion. Relatively subtle hazards may make the difference between remaining vertical and becoming horizontal, Turnbow notes.

“For example, a 3/8-inch sidewalk obstruction, such as a branch, creates a definite tripping pattern since the average person’s stride leaves only 1/4-inch of clearance between the shoe and the ground. A slight variation in a stairway’s risers is also enough to send someone flying, as pedestrians rely on “muscle memory” to gauge the height of the next step.

Litigating the Slip and Fall

“The second part of the book focuses on the litigation of a slip and fall case, and includes a wealth of sample pleadings, interrogatories, deposition questions of experts and fact witnesses, and other trial preparation materials.

“*Slip and Fall Practice* concludes with a “30-day Trial Preparation Checklist.” This is a sensible and well paced schedule for the month before trial, starting with review of discovery material and preparation of trial exhibits; moving through preparation of testimony, jury instructions, and opening and closing statements; and culminating on the day before trial, with a recommendation that lawyers do a final review of all materials and “play a round of golf.” In all but the last task, lawyers will find invaluable assistance in this useful, well-written and informative text.”

Lawyers Weekly USA

THE AUTHOR

Charles E. Turnbow, a practicing attorney, board certified forensic engineer and a professional safety engineer, has been involved in more than 9,500 slip and fall cases over the past 40 years. In his role as consultant and expert witness, he evenly divides his practice between plaintiffs and defendants, averaging nearly 260 premises liability cases per year. Mr. Turnbow is a member of the California Bar and ABA, and is active in several scientific and technical societies and associations.

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THE BOOK

Slip & Fall Practice contains more than 500 loose-leaf pages in a linen-covered 3-ring binder for easy updating. The book’s 50 forms are also provided on a free CD. The book costs \$99 and updates are issued annually at a cost of \$65-\$70 plus shipping.

Available on 30-day trial

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Table of Authorities

Cases, Statutes, Building Codes, Other Authorities

Insider *Tips* and *Techniques*

Charles Turnbow's dual career as both engineer and attorney enables him to bring you dozens of insider tips that are pertinent from a legal standpoint. Even veteran personal injury specialists will benefit from his easily understandable technical evaluations and practice pointers, such as:

- Why building plans seldom reflect the **"as built" condition** of the stairway. *Section 820.5*
- Why many of the building code requirements are not subject to **field inspection** during construction. *Section 850*
- A great questioning technique that helps you establish **duty and causation** through the opposition's expert. *Section 450*
- The not-so-obvious qualifications the **defense expert** should have, and how to highlight their absence. *Section 543.3*
- Eight items to check for in every inspection of the **accident site**. *Section 770*
- Why you should never have the plaintiff present during your **site inspection**. If the plaintiff has to be present, here's what to do. *Section 522.1*
- How **safety features and warning devices** can actually increase the risk of an accident. *Section 632*
- The methods for measuring the **coefficient of friction**. *Section 710*
- How to construct a comprehensive **settlement package** that presents your case in its best light and provides a strong foundation for the demand. *Section 1080*
- Why **special jury instructions** can give you an advantage in the courtroom and how to get yours admitted. Examples help you draft them with minimal time and effort. *Section 1141*
- A simple three-question method that lets you take full advantage of your **expert witness' knowledge**. *Section 1250*
- Why **demonstrative evidence** often backfires in the courtroom. If using visuals, here's how to safeguard yourself. *Section 1160*

Solving Proof Problems

Each slip and fall case has its own set of hurdles you must overcome: obtaining evidence at the scene, finding independent witnesses, establishing how long the slipped-upon substance was on the floor, what to do when evidence disappears, and more.

Slip & Fall Practice by Charles E. Turnbow—a consulting safety engineer and attorney—can help you over these hurdles. In the case of an apartment fall, Turnbow offers you this advice:

Establishing Liability.

The defendant will likely deny actual notice of the condition, so you must establish constructive notice by showing:

- The defect would have been discovered by the defendant using ordinary care. *Section 121.2*
- The landlord's failure to inspect or take reasonable precautions. *Section 942.3*
- Depositions pertaining to the condition of the premises immediately prior to and subsequent to the accident. *Section 543*

Disappearing Evidence.

If conditions of the accident site have changed, you must:

- Determine the mechanics of the fall. A complete description of what happened will give a clear indication of the type of hazard, the activities of the pedestrian immediately prior to the accident, and the manner in which the plaintiff fell victim to the hazard. *Section 411*
- Discover if the changes to the premises were made specifically to correct a dangerous condition. *Section 423*
- Get the testimony from paramedics who maintain reports on the accident's location and premise's condition. *Section 141.1*
- Rule out the plaintiff's shoes as a cause of the accident by measuring the tractive properties of the soles and heels. *Section 143.1*

Negligent Defendant.

The following will prove the landlord breached his duty of ordinary or reasonable care:

- Prior incidents or complaints about the stairway. *Section 426*
- Photographs. The handrails may have been replaced, but can rusting and staining of the stucco around the bolt holes be seen in the photographs? *Section 144*
- Statistics. Approximately 68% of accidents are caused by a defect in the stairway. Shouldn't the landlord have inspected this area more often? *Section 820.5*

Structural Defects.

A violation of the Uniform Building Code may grant a *negligence per se* jury instruction. Be sure to answer these questions:

- Was there a variation in the height of risers between any two steps larger than the allowable 3/8"? *Section 622.2*
- Were the bricks of the steps aligned in neat rows? This makes the edges of individual steps hard to see and can cause a misstep. *Section 632.2*
- Most accidents occur at the top or bottom two or three stairs; were the handrails maintained in a secure manner at these areas? *Section 850.5.2*
- Were the rise and run of each step measured and checked by the building inspector? They're usually not. *Section 1292.3*

Send Me a Risk-free Copy of *Slip & Fall Practice*

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YES! I want an insider's tips on proving notice and establishing liability in slip and fall cases. Please send me one copy of *Slip & Fall Practice* with an invoice for \$99 plus shipping. If I prepay my order, you will waive the shipping charges. I may return the book within 30 days for a full refund if I am not completely satisfied. Send me annual updates on the same 30-day review policy. I may cancel the update service at any time.

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How to Establish Liability in Slip & Fall Cases

Plaintiffs' attorneys lose 40% of their slip and fall cases. Failure to prove a causative link between the hazard and a negligent act of the defendant is the number one reason for these high losses.

Charles Turnbow, attorney-engineering consultant on over 9,000 slip and fall cases, shows you how to prove causation (and how to efficiently screen out cases lacking it) in his highly-respected toolbox, *Slip & Fall Practice*:

- Analyzing the mechanics of the fall to identify the cause.
- The most common cases and what they must have to win.
- Documenting the dangerous condition and the negligence that caused it.
- Establishing the duty of care.
- Proving control of the premises.
- Establishing actual or constructive notice.
- Showing that the hazard caused the injury.

Slip & Fall Practice is loaded with case evaluation strategies, illustrative fact patterns (with photos), discovery forms, expert witness checklists, case authorities, building code citations, model pleadings, trial preparation aids, and most important, time-saving and case-winning practice tips.



It has given me some new approaches and means of presentation to maximize recovery. The book has paid for itself many times over.

Marv Tyler
Rock Springs, WY

See inside for free tips, sample pages and contents...