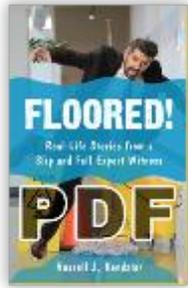


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Foreword

Every time I am asked “so what do you do?” I reply: “I am a safety expert and expert witness in cases involving a slip, trip and fall” which they usually reply; “really, slips and falls? Aren’t those just scams staged by con artists?” Welcome to my world. A world of mis-understanding and mischaracterization of slip, trip and fall victims. I don't think there is any category of safety whose victims are demonized more than that of slips, trips and falls.

The question has now turned into a conversation where I am asked to describe a typical case that I have worked on. “Well there was a case where while attending her husband’s funeral a woman slipped and fell striking her head on her husband’s casket (Chapter 3.) or the case where a young boy tripped and fell while playing laser tag and contracted a flesh-eating bacteria (Chapter 2.)” which they usually respond by saying “Wow! I never realized people can really get hurt by a slip and fall.”

For the past 20 plus years I have been taking cases as an expert witness it has been my experience that very few slip, trip and fall lawsuits are filed by fraudulent scam artists seeking to make a fast buck but are rather are just regular folks like you who get seriously hurt and usually just want to get their medical bills paid.

Much of the distortion is generated by the television media who sensationalizes fraudulent scam artists who are often caught on surveillance video but rarely will broadcast a story on legitimate slips, trips and falls. Its estimated that approximately 3% of all slip, trip and fall claims are fraudulent leaving the remaining 97% as legitimate. Therefore, for every 3 slip and fall con artists caught on store surveillance video there are 97 legitimate slips and falls recorded. Sadly, they don't get any airtime. This distortion of reality is in-part what this book seeks to correct.

To suggest that all slip, trip and fall lawsuits are all frivolous is untrue and that if people would simply watch where they're walking is a gross over-exaggeration of the underlying and serious problem. Denying that wet floors do not contribute to slips and falls is like saying that cigarette use does not contribute to lung cancer. Like the tobacco industry who for decades denied the link between cigarette use and cancer and that smokers can stop smoking anytime they want, the floor covering industry has adopted the same play book of denying that their products contribute to slips and falls and usually blame the victim for their fall. Questions like “what type of shoes were you wearing” and “where were you looking at the time you fell” are commonly asked of Plaintiff's for the purpose of transferring responsibility and liability. Floor covering manufacturers will also blame their commercial customers by asking “what floor cleaner do you use?” therefore suggesting that everyone is to blame except that of the flooring manufacturer. The cost of slips, trips and falls are huge topping an estimated \$100 billion each year and passing

the buck hasn't helped. The problem isn't just floor covering manufacturers but property owners who simply don't care. When asked "do you have many slip and fall claims? Many business owners will respond by saying: "sure, that's why we have insurance." They see slip and fall claims like they do their electric bill. A cost of doing business which they have little control over and in-turn pass the cost along to their customers via the products they sell.

I once asked a grocery store executive what their slip and fall prevention strategy was whereby he replied "we simply raise the cost of bananas and blame the problem of "frivolous lawsuits" on the trial attorneys". (Chapter 43.) To him the problem was lawyers filing lawsuits and not his stores ongoing hazardous conditions which lead to his customers becoming injured. This mindset is in many ways the real problem and explains why slip, trip and fall injuries and lawsuits continue to rise.

Since my first retention in 1997 I have worked on more than 750 slip, trip and fall lawsuits representing both Plaintiffs and Defendants and receive calls almost every day from attorneys across the country who are seeking to retain an expert witness. Sadly, in my line of work there are no winners just losers. For Plaintiff's who are often seriously injured there is no sum of money that can make them whole again and for the Defendant the rising costs of litigation can break their bottom line and dramatically increase their insurance rates.

Rarely have I been presented a case of fraud and for good reason. Most personal injury Plaintiff attorneys will take cases on a contingency basis whereby they must front the cost of litigation and don't want to waste their time and money on a weak case. Slip, trip and fall lawsuits are hard for Plaintiff's to win, just ask any Plaintiff attorney. That's not to say that they are not winnable, just that the burden is high and most attorneys simply do not want to take the financial risk.

Most of the lawsuits I have been retained in settle out of court leaving just a small percentage that go to trial. I have given hundreds of depositions and testified at dozens of trials. I have worked in cases from coast to coast and internationally. You never know how the case will end. I once worked on a case where the Defendant offered to settle the matter for \$5000 which went to court and the Plaintiff won a \$600,000 jury verdict. I have also worked on a case where a Plaintiff was offered nearly a million-dollars to settle their case went to court and lost.

Since the dawn of time people have enjoyed a good story which I have many to tell. This book examines just a small fraction of the cases which I have worked on during my 20-year career as an expert witness which I hope you find both fascinating as well as informative. There is no levity in describing peoples pain and suffering but I hope that this book can provide a bit of insight into the real-world slip, trip and fall lawsuits and the people involved.

I am blue-collar man working in a white-collar profession. I was raised to value hard work honesty, and have a deep sense of fairness and justice for all people. I am not a Plaintiff or Defense advocate but rather take cases based on their merit. If I can help I will, if I can't I don't. It's that simple to me. It's difficult sometimes to not carry or forget the pain that I often see in the faces of those who have been injured. These are real people and their stories need to be told.

The cases I discuss are based on real lawsuits however some of the information including names and locations have been modified as to protect the privacy of the parties involved.