



Premises Liability Case Checklist

Property owners have a responsibility to maintain a safe premises for their visitors. The homeowner may be liable if someone is injured due to a lack of upkeep. This is where premises liability comes into play—when a property fails to address known hazards or doesn't adequately warn about potential dangers.

Understanding your rights after an injury can help you navigate your case, and that's why Law Offices of Dean Malone, P.C. is dedicated to supporting you through these challenging times. Whether it is unsafe conditions or inadequate security, we provide guidance and legal support to assert valid claims. You don't have to navigate this alone.

This case checklist covers general information about premises liability cases, including common myths, helpful resources, and much more.

Don't let misconceptions prevent you from seeking justice. Follow this checklist to understand your rights.

What You Need to Know to Protect Your Rights After a Life-Altering Injury in Texas

What is premises liability law? It is the portion of personal injury law that addresses when someone is injured due to a dangerous or unsafe condition or inadequate security on another person's property. These injuries often occur because of hazardous conditions, such as broken stairs, swimming pool injuries or deaths, dog bites, shootings and assaults, and other dangers.

A "premises" can refer to the land and any buildings on the property, such as apartment buildings and stores. Understanding this definition is necessary for determining who is responsible for a property and any related liabilities.

In a premises liability case, it is also important to distinguish the different categories of individuals who visit a property: invitees, licensees, and trespassers. An "invitee" is welcomed onto the property, such as a guest in a home or a customer in a store; the property owner is responsible for their safety. A "licensee" has limited permission to be on the property and receives a lower duty of care. While a "trespasser" is someone who enters a property without permission.

Furthermore, if you're wondering how to prove negligence premises defect in a premises liability case, you must generally demonstrate that the property owner or occupier was negligent in maintaining safe conditions or security, which led to the injuries you sustained on their property.

Dispelling Myths

Some common misconceptions about premises liability cases are that only commercial property owners are responsible for injuries. Residential property owners can also be liable, especially in cases of negligence or dangerous conditions. While placing a warning sign about potential hazards can lessen liability, it usually doesn't altogether remove it. Owners must take proactive steps to maintain a safe property.

Step-by-Step Checklist for Defendants

As an injured person in a premises liability case, follow this comprehensive list of steps to successfully prepare for your case. With the support of attorneys at Law Offices of Dean Malone, P.C., we can help you assert a valid case we are able to take.

- Document Your Injury: Take pictures of the accident scene and your injuries. Immediately after the accident, write down the details of everything that happened.
- Gather Evidence: Gather witness statements and obtain medical records documenting your injuries.
- Understand Your Legal Status: Determine your status as an invitee, licensee, or trespasser. Understand how this status affects your case. This is more appropriate for an attorney.
- Assess potential negligence: Was the hazard preventable? Did the property owner fail to address it in a timely manner?
- Consult an Attorney: Contact a premises liability lawyer immediately for assistance with proving negligence and navigating insurance companies.
- Act Quickly: In Texas, adults usually have only two years from the date of their injury to file a premises liability claim against the responsible party, but there are exceptions. Consult an attorney regarding this time limit.

Key Considerations

Explore your options regarding premises liability insurance and coverage in premises liability cases. Collaborating with your lawyer is key to understanding any insurance coverage available to claim.

Equally important is the concept of comparative negligence, especially when the injured person has partial responsibility. In these situations, the jury will assess evidence and allocate fault percentages to each party based on their negligence levels. However, there are exceptions. Consult with an attorney regarding this issue.

Gathering strong evidence, like photographs, medical records, and witness statements, plays a major role in these cases. This information helps demonstrate how the property owner's negligence led to the injuries impacting your case.

Resources and Contact Information

To learn more about how to prove negligence in a premises liability case and other valuable information on Texas premises liability laws, please get in touch with Law Offices of Dean Malone, P.C. We can walk through the potential of your case with you and provide additional assistance for valid serious injury cases. Call us at (214) 670-9989 or toll-free at (866) 670-9989 or reach out to us online.

Premises Liability Law FAQs

What is a premise liability case?

It's a case where someone is injured due to a dangerous or unsafe condition or activity on another person's property.

How long does a premises liability lawsuit take?

The time to settle a claim varies greatly, ranging from two months to several years. At Law Offices of Dean Malone, P.C., our experienced attorneys will work to resolve your case as quickly as possible.

What is a defense to premises liability?

A premises liability defense is a legal argument property owners use to avoid responsibility for injuries on their property. This may involve claims that the injured person was aware of the danger.

What's the difference between general liability and premises liability?

Premises liability addresses injuries on someone else's property, while general liability covers injuries or damages caused by a person, or a business or its employees (such as in a car wreck).

What are premises in property law?

In property law, "premises" refers to the land, buildings, and other structures that constitute a property.

What is premises liability insurance coverage?

Premises liability coverage protects property owners from legal claims related to injuries or damages sustained by visitors due to unsafe conditions on their property.

Do I need a lawyer for my premises liability case?

Absolutely! A skilled lawyer can significantly enhance your chances of success, maximizing the chances that you will win your case.

How can I prove negligence or fault in a premises liability case?

To prove negligence or fault, you must show that the property owner owed you a duty of care and breached that duty by failing to maintain safe conditions, which then caused your injuries. This is just a general concept, and an experienced lawyer will be able to apply appropriate law to what happened in your case.