

## PREVENTATIVE LAWSUIT-PROOFING FOR THE SMALL BUSINESSMAN

By Attorney Michael H. Wald

You've heard the story a million times -- about the disgruntled employee who slips on the ice in the parking lot and sues his company for what amounts to several years' salary.

Or the passerby that gets mugged behind the office one night while taking a shortcut. He comes back the next day, slaps down a lawsuit and eventually is paid for it.

You might not know just how much risk you take in operating an office. Or a store. Or a restaurant. But with the way today's courts are expanding the responsibility of businesses to include almost ridiculous areas, you can't be too sure.

Just because someone is on your property -- or the property you are renting -- even if they don't have any business being there, it can mean that you are responsible for what happens to them.

Sure, you can ignore this risk. But so did others. And they lost.

It is highly recommended that you take stock of the potential hazards in and around your place of business -- periodically. Enlist the help of a trustworthy employee to help you scout out these possible lawsuit areas and take steps to change whatever is creating the risk.

Watch out for anything structural that may end up hurting someone as they walk by, or come and go from your office. Loose bricks, cracked sidewalks, rusty door hinges, etc. Fix them.

Make sure that your premises and common areas have been equipped to be safe for the handicapped. Can a wheel chair safely maneuver up to and around your reception area?

Check out your premises after dark, making sure that there is enough lighting to provide for an element of safety for those walking by alone at night. It doesn't matter that you only use the office

during the day. It could be your cash going out to a mugging victim some day if he or she sues you.

Take immediate action to remedy any kinds of hazards that you find, or that others point out to you. If it is not your property, tell the owners.

And mark whatever is representing the danger. Rope off areas of a broken sidewalk until the problem is fixed.

If an accident does occur someday, act immediately and completely. Make sure that the victim is treated to proper medical care before he or she leaves. But never treat the injury yourself unless you are a qualified physician.

Never admit that you are responsible for any accident or dangerous condition until you've had time to talk with your lawyer. In the case of an accident, even making small talk about how long the sidewalk has been broken could come back to cost you some day.

Make sure you've got ample liability insurance, and be quick to file your claims. Waiting can end up allowing the insurance company an easy out.

It's a sad situation when you are in the position of paying for problems that you know really aren't yours. But if the law says they are, they are. All you can do is watch out and be prepared.

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