

Today's Restaurant

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10 commandments to avoid premises liability suits

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1. Mats - Use quality, non-slip, heavy mats in entrance areas or near any location where there is a danger of liquids coming on to the floor (i.e. self-serve soft drinks and/or coffee stations), which are replaced on a regular basis, making sure they do not get excessively worn down, frayed, or roll-up in the corners, and become a trip hazard themselves.

2. Lights - Have a formal lighting plan created by an electrician or other expert to ensure that nighttime lighting meets applicable codes and standards.

3. Inspect - Have inspection procedures in place, especially for bathrooms and walkways (parking lots if premises responsibility) and have a checklist as to date and time inspection was performed.

4. Parking lots - Make sure landlord/property manager attends to broken parking bumpers/curbs/and potholes in parking lot areas; exposed rebars from parking bumpers and potholes are tripping hazards that can lead to problematic liability areas if the landlord/property manager is responsible for maintenance.

5. Elevation change - Make sure any changes in elevation of the floor are clearly delineated by either a change of color or lighting. For example, curbs should be painted a bright yellow, rather than blend with the concrete walkway, or rope lighting on a carpeted walkway that has a one-step elevation.


6. Video - If you utilize surveillance video in your establishment, have a policy to immediately record, copy or back up and retain footage of any incident.

This should include video coverage tracking the entire time the party was in the establishment before and after the incident itself.

7. Observe - Ensure that there is a policy in place that all employees are to keep an eye out for any slip and/or trip hazards.

8. Spills - Attend to spills immediately; have a procedure in place which includes placing warning/caution signs/cones as soon as the spill is noticed.

9. Admit nothing - If someone is injured on premises, be attentive and cordial with the person, but do not admit fault or liability.

10. Document everything - Treat every incident as important. Even if the incident appears to be minor, "no big deal", or the party does not appear to be injured, follow all procedures that you would normally take for more significant incidents such as photographing the area, photographing the party (if possible), taking witness statements, taking employee statements and creating an incident report. This will help small incidents from being exaggerated into big litigation. 

Dale R. Hightower, Esq. is the Founder and Managing Partner of Hightower & Partners, a pre-eminent Florida defense firm specializing in Restaurant Liability. The firm's four offices are located in Florida's metropolitan areas. The firm partners with some of the biggest names in the restaurant industry such as Brinker International, Darden Restaurants, Hillstone Restaurant Group, The Cheesecake Factory and Denny's Restaurants. Mr. Hightower is an active member of the Florida Restaurant & Lodging Association and lives in Miami, Florida. www.hightowerlaw.net.