Georgia Negligent Security Guide

What To Do If You're Seriously Injured Due To Inadequate Security

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Atlanta is a surprisingly crime-ridden city. There are tens of thousands of crimes that happen in Atlanta every single year including burglaries, aggravated assaults, and robberies. Because these crime rates are so incredibly high throughout the city of Atlanta, nearly every place in the area has the obligation to keep you safe by providing patrons and visitors with good security and safety measures. It can be deemed negligent to have improper security or safety measures if it results in someone getting hurt or losing their property. If you have experienced this, you may be eligible to bring a negligent security claim against the liable party and receive compensation. Our Georgia negligent security lawyer is here to help you get the best result possible. After you read about your case, please call our office to set up a free consultation.

Georgia Premises Liability and Negligent Security

When there is a lack of adequate security in a facility, that kind of negligence is considered to be premises liability. The owner of a property has an obligation to make sure that their facility is free of dangers, has adequate and the right kind of security. They way a property owner would be considered negligent is if they knew or should have reasonably known that there were things about their property that could have led to assault, theft, mugging, or other similar kinds of incidents but they did not do anything to help these things. The things they should have done include:

- Making sure there was a trained security guard was on the premises
- Having proper alarms and security systems installed
- Making sure the parking lots are adequately lit
- Fencing in the property
- Having locks installed on gates
- Keeping the number of keys for the property limited to trusted employees
- Keeping the money in registers at a lower amount

It is expected that the property owner be aware of the area's history and crime rates so that they can be well informed about what to expect and what needs to be done to ensure that people are safe on their property. If there are violent crimes including rape, robbery, assault, or battery on a property that you do not own may mean you are eligible to bring a case against that property owner for negligent security. Your case will be eligible for compensation if the property owner had done nothing to prevent this incident from happening to you.

Things You Need to Prove to Have a Case

Some places that may be liable for your violent incident that lead to injury include malls, gas stations, stores, or any other public property. You should know what you need in order to be able to bring a successful claim against the liable party. Also, that liable party may not be the person who harmed you, but the owner of the property that the incident happened on. That is partially because it is easier to file a negligent security claim and you are more likely to get the better result. However, it should be noted that you can bring the claim against both the attacker and the property owner but in order to have a premises liability or negligent security claim, you need to be able to prove four things:

1. That the defendant was in ownership or leased the property at the time of the incident.
2. That the defendant did not do their job to prevent the criminal activity that harmed you.
3. That the defendant's lack of proper case lead to you getting injured.
4. That you indeed did suffer damages from the incident.

Frequently Asked Negligent Security Questions

Who is the Right Attorney?

One type of case we are seeing more and more often is what is known as a negligent security case. Negligent security cases arise when a person in injured on the location of a business because the business did not provide adequate security to keep them safe. For example, if a business knows that they are having a problem with crime in their parking lot, they are not allowed to just ignore it and leave their customers to their own devices to make sure they are safe. The business is required to take reasonable measures to ensure the safety of their customers.

If a business fails to do that or doesn't do it adequately, and someone is injured, that person may have a negligent security claim against the business. These cases are extremely difficult to work up and require a lot of specialized knowledge. It's very important to make sure that if you believe you have a personal injury claim arising out of negligent security, that you hire an attorney that has experience handling these cases and successfully resolving them. At the Gunnels Law Firm, we have spent a lot of time working on negligent security cases and know how to work them through to successful conclusions.

Another thing that's very important for you in hiring a lawyer for any type of personal injury case, including negligent security cases, is to make sure that you have an attorney that knows how the insurance system works. I spent much of my early career representing insurance companies. I realized that I was on the wrong side of these cases, and I would much rather be helping people who have been injured. I can now take the knowledge that I have working for insurance companies and put it to use for my clients because I know how to get the insurance company's attention and I know how their systems work.

Finally, it's important in any type of personal injury case, including negligent security cases, to make sure you have an attorney who can take a case to trial. Most cases settle before trial. However, there are times when insurance companies will simply not issue a fair offer and a trial becomes necessary. Unfortunately, there are many attorneys who will not try cases, and insurance companies know this. Those attorneys are never going to get the best possible offers or resolution for their clients because the insurance companies are not afraid of those attorneys taking them to trial.

At the Gunnels Law Firm, we pride ourselves on our trial skills and are frequently in court trying cases. We know how to present a case to a jury, and we know how to maximize results by doing so. If you or someone you know has been injured in what you believe is a negligent security case, please give us a call. We are here to help.

What Mistakes Can I Avoid?

When we are approached by potential clients who have a negligent security case, we often find that they have harmed their case without even knowing it. One thing that we see is that clients fail to report whatever has occurred to the proper authorities. It's essential to call the police and have an accident or incident report prepared and to make sure that the police are investigating whatever crime has been committed. That helps us document the claim going forward, and also allows us to have a lot of assistance in investigating the claim, which can be beneficial to you and the claim once it goes to litigation.

Another thing we see clients fail to do is report the crimes that have occurred on the premises to the property owner. Whether this property is an apartment complex, a hotel, a restaurant, or a shopping center, it's important to make sure that the crime that occurred is reported to the property owner so that it becomes documented in their internal files. Also, we see clients harm their cases by failing to immediately seek medical attention. It's essential to immediately seek medical care if you have injuries. Often, what appears to be a minor injury can turn into a major injury, and we want to make sure those injuries are documented as close in time to the negligent security event as possible.

Finally, we see people fail to hire the right attorney. If you hire an attorney who doesn't know how to handle a negligent security matter and doesn't know how

to preserve the appropriate evidence, your case can disappear before you know it. If you believe that you have a negligent security case and you would like to explore whether it is viable to pursue, please give me a call as soon as possible. We are here to help.

How Much is My Case Worth?

When we have people that come to us with a negligent security claim, the people often want to know from the beginning what the value of the case is. At the beginning, that's impossible to determine.

The first step in determining case value is to determine the extent of the injuries that the person has received. If a person has received an injury that's going to fully heal, that case doesn't have nearly the value of a claim in which someone is not going to heal. A person has to go through their treatment and know if they are going to recover, and if they're not going to recover, to what extent they're going to have a disability, before you can begin to even look at what the value of their claim is.

Once you have that information, we look toward what Georgia law allows a person who's been injured by the negligence of another to recover. Basically, we have two categories of damages we're looking at. The first one is called special damages. Those are easy to calculate, as they include the cost of medical expenses and lost wages.

The harder part is the evaluation of what is called non-economic damages. Those are things such as pain and suffering and the loss of enjoyment of your life. These typically have an extraordinary amount of value. Those are things that have to be determined before you can really get into what the value of your claim is.

Another thing to look at is the duty and reasonable action that a property owner has to make sure their patrons are safe. Proving that is not always easy. It's not easy to prove what someone knew in the past and, in a lot of instances, if you don't jump on the case right away and have someone that knows what they're doing, once the business learns that they have a potential lawsuit coming

towards them, a lot of evidence has the tendency to mysteriously disappear. From the outset of one of these cases, if you think you have a claim, immediately consult an attorney and get the attorney involved to make sure things are done to preserve all the evidence that's going to be needed.

We handle a lot of negligent security cases. If you would like to have us evaluate your case, please give us a call. We're here to help.

Do I Need to Have Had a Lot of Medical Bills?

When we get calls about what we call negligent security claims, one of the first things we look into is the significance of the damage of the individual that's been harmed. While it's not always essential that the medical expenses need to be high, it is important that there is significant damage. There are cases where someone might have been shot in a robbery on a business premises, and by the time the EMS arrived, that person is already deceased. There aren't going to be a lot of expenses in that case, but it could be a valuable claim. There are other instances where someone may have literally millions of dollars in medical expenses, but we can't tie it back to the facility, so that case is not going to have much value.

The best thing to do is look at the injuries first, and then evaluate how those injuries occurred to begin to arrive at whether there's a claim. There could be completely inadequate security in the face of a known danger, but no real harm associated with it, and you're not going to have a very good negligent security case. You could be robbed at gunpoint in the parking lot of a high-crime area that's a supermarket, but receive no physical injuries, and you don't really have much of case. You need to look at something where there are very significant injuries – someone has been shot or permanently disabled.

We are currently working through a case where a gentleman was shot through the hip and his hip was destroyed and isn't able to be repaired. That's the type of injury you're looking for in a negligent security case. If someone has a gunshot wound that heals, even though there potentially could be negligent security implications, that doesn't make up a very good negligent security case. What we want to be on the lookout for is cases where someone has been harmed in an area where there was known to be some danger, and the facility owner didn't

do much to try to remedy it, and the person that was harmed has some type of significantly life-altering injury.

If you think you may have encountered that situation and you'd like to have your claim evaluated, please give me a call. We're here to help.

Should I Give a Recorded Statement?

If somebody is the victim of a crime that could lead to a negligent security claim, the insurance carrier for the property owner will often ask the injured party to provide a recorded statement. We are often asked if this is a good idea, and the answer is always no. Don't ever give such a statement. While you think you may be doing your case a service, you are actually harming it. While you are not familiar with this process and don't know what to expect, the insurance company will use a trained claims examiner who will ask questions in a manner that may get you to misrepresent what truly occurred. This could harm your case as it goes forward. Don't ever give an insurance company a recorded statement if you don't have a lawyer present. There is nothing to be gained by doing this, and you have no obligation to provide such a statement.

If you believe that you have a negligent security case and would like to discuss it with an attorney, please give me a call. We are here to help.

How Long Will This Case Take?

When we have people come in to see us over potential negligent security claims, one of the first things they want to know is how long they can expect their case to last. Generally, negligent security cases last a long time. It is very rare for a negligent security case to resolve prior to filing a lawsuit, and that is because these cases are very fact-intensive and rely heavily upon expert witnesses. They also usually involve very significant injuries, so those cases on their own tend to drag out a lot longer. Under Georgia law, the injured party has two years from the date of the incident to file a personal injury lawsuit.

Once the lawsuit is filed, we have to go through the discovery process of learning and gathering evidence that helps us support our case. Negligent security cases are highly reliant upon those types of evidence to show that there was knowledge of pre-existing issues on the premises, and that the premises owner didn't do enough to protect their patrons. From the time of filing, it's

not uncommon for these cases to take somewhere between three to five years before we can resolve them, often with a trial.

If you have what you believe is a negligent security case and you would like to know how long that case might take, and what other details you need to know to move that case forward, please give me a call. We're here to help.

Contact Our Office Today

The right lawyer will be able to guide you through your negligence security case. Our Georgia negligence security lawyer has handled many cases like yours and knows the proper steps to ensuring that you have the strongest case possible. We are here to help you succeed, even if it means taking your case all the way to trial if need be. Please call our Georgia office today to set up your free initial consultation.

About the Author

Mr. Gunnels is the founding member of The Gunnels Law Firm, LLC in Atlanta. Mr. Gunnels graduated from Georgia Southern University with a degree in Business Management in 1999 and from the University of Alabama School of Law in 2002, with honors. While at Alabama, he served as a Senior Editor and Treasurer for the Alabama Law Review and won several awards for skill in oral advocacy in competition with the Environmental Moot Court Team. He was also inducted into the Bench and Bar Legal Honor Society and elected by his peers to serve as an Associate Justice on the University of Alabama's Honor Court. Mr. Gunnels has extensive experience handling a wide variety of general liability matters. He has successfully resolved cases involving wrongful death, personal injury, construction defect, premises liability, mass torts and products liability.

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