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PERSONAL INJURY • WRONGFUL DEATH

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Security Negligence · Property Negligence



What is Premises Neglect?

Very often when there is an accident causing personal injury it is because someone either intentionally or negligently did something wrong. This can include when a person is injured on a property that has been neglected. Cases include but are not limited to:

Inadequate security

Defective stairs and railings

Swimming pools which are not adequately fenced

Inadequate lighting

Unmarked stairs or steps

What are the Duties of Property Owners?

Georgia property owners generally have a duty to exercise reasonable care in the inspection and maintenance of their property to prevent harm to others. If a property owner fails to fulfill this duty, anyone injured on their property can bring a premises liability claim against them. Importantly, property owners owe different duties to different types of people. Therefore, premises liability cases revolve around two key questions:

- What duty did the property owner owe to the particular plaintiff in question?
- Did the property owner do enough to prevent the harm that occurred in light of that duty?

The duty a landowner has to someone coming onto their property depends on whether that person is an invitee, licensee or trespasser. Landowners owe the greatest duty to invitees, which are those persons that were invited onto the property for the benefit of the landowner. Invitees primarily include customers of a store or clients of a business. Licensees are those that are given permission to access property, but not necessarily for the benefit of the landowner. Finally, trespassers are those that have no right to be on a property. Despite this, Georgia law still holds that landowners have some duty to trespassers.

What is Necessary for a Premises Lawsuit?

In order to be successful in a Georgia premises liability lawsuit, you generally must prove the following:

- A dangerous condition existed on the property
- The owner or occupier failed to remove or warn of the dangerous condition
- The owner or occupier of the property had knowledge of the dangerous condition (or in the exercise of ordinary care should have known about the dangerous condition)
- The dangerous condition was the cause of your injury



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What is Negligent Security?

Business owners have an obligation to keep their customers and visitors safe. This obligation to keep customers and visitors safe can also extend to keeping customers and visitors safe against the actions of other people. That means that if someone is robbed, assaulted or otherwise harmed on someone else's property, that person may have a claim for negligent security against the property owner.

Preventing Negligent Security

Any property owner who invites guests onto his or her property has a responsibility to provide basic security. This includes simple preventative measures to prevent crime. While not all crime can ever be completely prevented, business owners are obligated to make an effort to deter crime. Common items associated with preventing crime include:

- Installing lights in parking lots or other open locations
- Using security cameras
- Silent alarm access for employees
- A sign that indicates limited amounts of cash in the register
- Limiting access with key cards or guards

Proving Negligent Security

The business must take reasonable measures to protect its visitors or guests. In some cases, however, the property owner takes no action to keep their property safe. This is particularly true for some apartment complexes. These cases are especially egregious and often result in successful negligent security claims. Every successful negligent security claim must prove the following four items:

- 1 The **defendant property owner** has a duty to provide a safe place for guests and their visitors.
- 2 The **obligation to provide a safe place was somehow breached**. It could be that a vital aspect of the security was missing or that something or someone was not doing a job properly.
- 3 **The breach of the duty ultimately must have caused injury or damages**. This is typically proven by showing that the failure to act reasonably created an environment where the criminal assailant felt comfortable committing a crime.
- 4 The visitor or guest must have **suffered actual injuries, including physical or mental injuries**, because of the failure to provide proper security measures.



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