

Examples of Vulnerable Populations in Premises Liability Cases

Each premises liability case comes with its own set of challenges, but some populations are more vulnerable to these obstacles than others, which can obstruct justice and compensation. Learn more about these problems and their solutions here.

LGBTQ Community Members

According to a [recent study](#), people who are gay, lesbian, bisexual, transgender, queer, or gender non-conforming are almost four times as likely to be victims of violent crime than the general population. The study also found that individuals in these communities are twice as likely to be burglarized. This greater vulnerability to violent crime means that LGBTQ individuals are more likely to need to file a negligent security premises liability claim.

Despite their disproportionate need for social support, however, these communities face unique barriers to it, beginning with the initial reporting of the incident to law enforcement. Many individuals avoid reporting these crimes to the police due to fears of discrimination, revealing their identity, and re-traumatization. This means that evidence may degrade over time and witnesses' memories may be less reliable, giving the victim less to work with in court if they eventually choose to take legal action.

Additional burdens of discrimination in the criminal justice system may also impact one's success in filing a premises liability claim. These include being referred to by the wrong gender or 'dead-named' by people in the system. Once a premises liability case gets to court, discrimination from judges, prosecutors, and jurors is also a possibility.

If this happens, the verdict and the survivor's settlement could ultimately be impacted. However, the Atlanta premises liability attorneys at _____ are prepared to put a stop to these discriminatory institutional practices to ensure that their clients are able to be fully and fairly compensated.

Children/Minors in Dangerous Conditions

It should come as no surprise that children are more vulnerable to injuries and certain types of crimes. Due to factors beyond their control like lack of life experience and underdeveloped decision-making skills, minors are at greater risk of injury from both hazards and violent crimes like abuse and molestation when property owners fail to maintain safe conditions in their business or building. This alone makes them more vulnerable to legal obstacles when their parents or guardians pursue a premises liability claim against the liable negligent party.

Like those in other states, Georgia property owners have a duty to exercise reasonable care to keep their property reasonably safe for visitors, legally known as 'invitees'. While this duty does not usually apply to trespassers on the property, there are unique exceptions for intruders who are minors, such as the [attractive nuisance doctrine](#), due to the fact that they are not anticipated to act in the exact same sensible manner as adults.

Although this area of Georgia premises liability law should, in theory, protect a minor who has been injured under an unsafe condition, it's still subject to interpretation. This can end up being rather complicated in a premises liability case.

Even in cases in which the child was not a trespasser, the property owner or their insurance company may attempt to argue that the child's own reckless actions contributed to the injury and that he or she should have understood the risks. This is especially likely if the child is an adolescent since the attractive nuisance doctrine and related areas of the law often only apply to children under the age of 12.

While each of these prospective situations can be successfully navigated, it often takes a skilled lawyer who understands the nuance of these cases to ensure that the child and their family can obtain the compensation they deserve.

Undocumented Immigrants

When an undocumented immigrant sustains a serious violent injury due to another person's negligence, they may feel lost, helpless, and frightened. This is often, in part, due to worries that submitting an injury claim may lead to their arrest and subsequent deportation. These factors, in addition to a lack of familiarity with the U.S. legal system and limited financial and social resources, are why countless undocumented immigrants suffer in silence, permitting those who contributed to their injuries to get off without penalty.

The law protects the rights of undocumented immigrants to pursue personal injury claims. Despite this, many immigrants are not aware of this right. Additionally, even if filing the lawsuit may not put them at risk, the steps that would naturally occur before it might.

When a premises liability claim arises from a violent crime that occurred on someone else's property, the victim must be able to provide detailed evidence of the incident through official documentation such as police reports.

Since calling the police for any reason can lead to an undocumented immigrant's arrest, many crimes against undocumented people go unreported, posing a major barrier to achieving the compensation and justice they deserve. This is why it is vital to hire an attorney who knows how to successfully navigate these complex issues, which often involve several different areas of the law.

People with Mental Health Challenges

It is not unusual for a violent crime to result in a mental health disorder, such as PTSD. However, if the victim already had a mental disorder prior to the incident, their condition might aggravate due to both the emotional and physical trauma stemming from the occurrence. This can further complicate things.

Under Georgia's [eggshell skull rule](#), victims are still eligible for compensation in these circumstances, but that doesn't mean that it's always easy to obtain it. This legal doctrine argues that negligent parties are not just accountable for the injuries they cause, but also for the injuries that their negligence worsened. Unfortunately, pain and suffering damages, especially those relating to mental health, can be difficult to measure and prove, and the negligent party's insurance company will find every excuse they can to avoid paying this type of damage.

Because of this, it's up to the injured victim and their lawyer to establish that their pre-existing and existing psychological condition was aggravated by the incident. However, like in all premises liability claims, this requires extensive documentation from the victim's medical providers, such as medical and psychological evaluations, including therapy notes indicating an increased need for sessions, medication, or other types of treatment.

[Studies continue to show](#) that people with mental illnesses fail to receive proper treatment for their conditions at alarming rates due to barriers of cost and access, which can ultimately degrade the integrity of evidence required to prove their claim. In these situations, consulting a crime victim attorney with the resources and connections to build a strong expert testimony is essential.

Cult Survivors

Survivors of cults are a surprising inclusion on this list, but all it takes is an understanding of the [psychological impacts of cults](#) to see why they can be at a disadvantage. Cults are built upon years of manipulation, and their leaders use targeted methods to change the way their members think, feel, and see both the world and themselves. Even if a survivor leaves the cult, these efforts can have lasting impacts on nearly every area of their lives, including the way they view authority figures.

For many ex-members, going to the doctor is a frightening ordeal. Because of the manipulation and fear tactics cults often use to withhold, deny, or persuade their members against seeking outside help, survivors may avoid seeing doctors after being victimized in a violent crime. They may also be less likely to reach out to law enforcement for help. While many may eventually push themselves to act, evidence can easily be degraded by that time, which can significantly reduce their likelihood of receiving a full and fair settlement.

Additionally, since lawyers may also be viewed as authority figures, an ex-cult member may struggle to take the leap to seek help from one. Even if they do find the courage to work with an attorney, their difficulties with trust and self-advocacy may prevent them from being able to fully open up to their attorney and tell their side of the story to build a compelling case.

This doesn't mean all hope is lost, however; it just takes a compassionate, patient, and determined premises liability lawyer who has experience representing victims and survivors of complex crimes to achieve the results they desire.

Incarcerated People

An area that has led to a substantial number of premises liability claims is the failure of correctional facilities to properly protect inmates from violent attacks by one another. Although all prisoners in the United States have a legal right to safe living conditions, seeking compensatory justice for these individuals when that right has been violated due to the property owner's failure to maintain adequate security measures can pose a significant challenge.

Under the [Prison Litigation Reform Act](#), inmates are required to exhaust all available remedies through the prison's established grievance procedures to resolve the situation before they can file a personal injury lawsuit. However, since there are currently no regulations regarding these grievance procedures, many prisons have designed them to be as complicated as possible to deter inmates from pursuing their claims.

If a prisoner is able to successfully begin the process of filing a lawsuit, unique challenges may continue to present. Typical damages in personal injury claims include medical bills, medical expenses, lost wages, and pain and suffering. However, since inmates don't have medical bills and they rarely have missed wages that amount to much, their damages will primarily consist of future expenses and lost wages after release as well as pain and suffering.

This means that the damages in these cases will be less measurable and therefore harder to prove. The challenge of gathering evidence in jail or prison can also add fuel to the fire; however, a great attorney can skillfully and successfully navigate these issues.

Contact a Crime Victim Premises Liability Attorney Today

At _____, we are dedicated to representing individuals who have been impacted by violent crimes due to someone else's negligence. We understand the unique challenges that may present with certain clients, and we are prepared for anything that comes our way.

If you or a loved one has been injured on someone else's property as a result of negligent security, please do not hesitate to contact our office to schedule a free consultation. When you meet with our attorneys, we will attentively listen to your story, inform you of your rights and options, and help set you on the road to recovery.