

As Summer Nears, So Does the Risk of Accidental Drowning

Who becomes liable after a drowning accident and what steps can you take to prevent drowning accidents from occurring in the first place?

No one wants to think about the loss of a loved one, especially when it's due to something such as an avoidable accidental drowning. It's devastating to think that something as enjoyable as spring break or summer vacation when families are enjoying the beautiful South Florida weather can turn tragic in an instant.

No dollar amount on the loss of a loved one

When a beloved family member drowns, there is no dollar amount that can be put on the loss of life. However, medical bills and funeral expenses add up, and you may be entitled to compensation for your loss to ease those burdens. When someone else's negligence causes a drowning accident, the family of the victim may be entitled to file a wrongful death lawsuit.

Accidental drowning: be accountable, or you could be liable

When the family of a victim who died as a result of an accidental drowning files a wrongful death lawsuit, this is probably because another person physically caused the accident to occur. Whoever is responsible for maintaining the safety of the pool, pool operation, and pool maintenance may be liable for the accident in question. It may also be their lack of action in the moments leading up to the drowning that holds them accountable for the death that occurred (and could have been prevented had they acted according to the standard of care required of them in such a situation).

Public pools have a duty of care

Who is responsible at a public pool? We should be careful to heed signs that warn us not to swim without a lifeguard on duty, but what happens when there is a lifeguard on duty and someone still becomes the victim of an accidental drowning?

Lifeguards, as an example, that work at a public swimming pool are required to uphold specific requirements and meet or surpass their lifeguarding exam to be able to perform their job. If a lifeguard is found to have acted recklessly and a drowning occurred as a result, the lifeguard is liable for the death in question.

This same standard of care applies to pool maintenance. If lack of maintenance or standards or pool safety requirements are not upheld, and a drowning occurs, the public pool and the employee(s) hired to maintain it may be liable for any accidents sustained by the public while in the pool.

Boating, water sports: oft overlooked causes of drowning deaths

Drowning accidents often involve water sports, though it's not the first thing that comes to mind when we discuss the circumstances that surround this type of tragedy. Jet skis and water skis are one of the leading causes of wrongful death in large bodies of water. Due to someone else's negligence or reckless on the water, a jet ski may be struck by a boat, injury the skier and causing them to drown. In this instance, the boater may be legally responsible for causing the skier to drown. Depending on the circumstances this can hold the boater liable for civil liability or a wrongful death.

In more extreme cases (i.e. operating a boat under the influence) criminal charges or manslaughter may apply.

Only a board certified civil trial attorney knows how to apply the laws in these situations. When you lose a loved one due to an accidental drowning, it's imperative that you contact board certified legal counsel right away. The statute of limitations varies by state, but if you exceed it the judge will dismiss your claim—no questions asked.

With summer approaching, it's all about public safety

The federal government has enacted specific requirements for pool operators. There are certain requirements that must be met before anyone can open a swimming pool to the public. Under federal law those operating public swimming pools are required to install drain covers that prevent suction. Old model drain covers have proven to be less of a deterrent for children becoming trapped as a result of the strong suction. These new model drains have prevented numerous drain suction-related accidents. State laws are also beginning to adopt these requirements of public swimming pools as well.

Unfortunately, while many public pools have upgraded their drainage system to accommodate these regulations accordingly, some lack the oversight or attempt to avoid the cost of doing so. If a drowning accident occurs in pool that is proven to have not met the federal requirements, the violation can be used to substantiate a wrongful death lawsuit.

Precautions, preparedness, prevention

In our next installment on accidental drowning, we'll dive deep into what precautions need be taken to eliminate the risk of this too-common summertime tragedy. We'll also discuss what you can do to prepare your residential swimming pool for small children, and what steps can be taken to prevent accidental drownings on your property as a homeowner.

Shaked Law Firm: client-driven, board certified, and fighting for you

If a loved one has passed away tragically as a result of an accidental drowning because of someone else's recklessness or lack of oversight—Shaked Law Firm has extensive experience in drowning-related wrongful deaths and will fight for your rights passionately to pursue the compensation you deserve. We are dedicated to each and every client, we never stop until we obtain the justice you deserve.

Our experienced board certified civil trial attorneys have obtained large settlements on behalf of our clients whose carefree day at the pool ended in tragedy by no fault of their own. Contact us today to schedule your complimentary consultation. There's absolutely no obligation. The only thing you should be focusing on is healing while our board-certified attorneys do the rest. Take the first step today, and call us: (877) 529-0080