

“Punch list” for Investigation of Sidewalk Claims

1. Find out exactly where claimant fell - identify exact portion of sidewalk
2. Promptly obtain photos of sidewalk - both close up, as well as long view so can identify portion of sidewalk in viewing entire scene
3. Measure gap between panels or height of defect
4. Find out exactly who owns sidewalk
5. If repaired, find out if municipality repaired sidewalk and, if not, find out who repaired sidewalk
6. Determine cause of sidewalk defect
 - If tree, find out who planted
 - If municipality, find out if have Shade Tree Commission and, if Shade Tree Commission planted/maintained tree
 - If other defect, find out who caused defect
7. Find out who owns property abutting sidewalk
 - Determine if abutting property is residential or commercial
8. Notice issues:
 - Find out if any prior complaints as to this portion of sidewalk
 - How record complaints - find out how far back keep written complaints
 - Find out which department keeps the complaints
 - Was municipality aware of this defect and, if so, for how long did they know it existed
 - Determine if any repairs to any areas near this sidewalk
 - Find out if any repair/work in the street near the sidewalk
9. Allocation of resources defense
 - Find out if municipality has inspection program for sidewalk repair
 - If not, how does municipality ensure its sidewalks are kept in good repair
 - If budget issue, determine if any decision of municipality to budget only certain portion to sidewalk repair - find out if any written minutes, resolutions, or other documents to support allocation of resources

This information was prepared by Betsy G. Ramos, Esq., Co-Chair of Capehart Scatchard's Litigation Group. She has over 25 years experience as a litigator handling matters including estate, business, employment, construction, and general litigation as well as tort defense. Should you have any questions or would like more information, please contact Ms. Ramos at 856.914.2052 or by e-mail at bramos@capehart.com.

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