

Watch Out For Motorcycles!

The Importance of Photographs

You have all heard the saying: "A Picture Is Worth A Thousand Words!"

Photographs are taken by many: Depending on the circumstances, accident photographs may be taken by yourself, the other driver, witnesses, family or friends, police officers, red light cameras, government surveillance or security cameras, expert witnesses, insurance companies, private investigators or by others documenting or investigating a claim.

There have been cases where we have gone back to the scene and found camera footage of the accident itself. Convenience stores, shopping centers, banks or others sometimes have video footage of parking areas or nearby intersections. In another case, we found the accident happened at a "red-light camera" intersection; we contacted the local police department and actually obtained video footage of the crash itself, including views of the traffic lights for each driver at the time of impact.

After an accident, many accident victims believe "the insurance company took photographs" or "the police probably did" also believing we should be able to get a copy of these pictures anytime later upon request. The truth is, we should never rely on others, not now and not in the future, especially to gather and hold evidence that will be most useful and helpful to us. As an example, I recently heard one well-known insurance carrier has a policy of NOT taking photographs of a damaged vehicle, where the vehicle is obviously a total loss; as, the insurance company does not want the picture(s) to be used later in the injury claim, as a trial exhibit against them or their driver.

By now most of us have cell phones with cameras in our immediate reach. Over the years, this "instant" camera has been very helpful to bikers or accident victims in a number of ways. Photographs, especially digital photographs, easily help us document claims and serve as useful and valuable trial exhibits. You may be surprised at just how much opportunity we ourselves have to capture, obtain and safe-keep such photographs for our own use; and the following advice can be used as a great starting place:

1. Injury Photographs: Taken as soon as possible, making sure we document every injury suffered from the accident. This can include scalp injuries, head injuries, facial injuries, dental injuries, shoulder injuries, chest injuries, groin injuries, broken arms, wrists, hips, legs, toes road rash injuries and every other body part you can imagine. If the injuries have already received initial treatment, pictures taken with bandages, sutures, surgery, hardware, casting or traction are very important towards documenting the injury, the related treatment, related pain and suffering damages. Also remember, some injuries appear greater in the days actually following the accident, showing more bruising and swelling two or three days later. We also recommend taking on-going pictures throughout the recovery or healing stages. Such photographs go a long way in documenting on-going pain and suffering in the weeks and months after the crash. In other cases, especially with facial scarring, after exhausting all options of medical care, we obtain final or current photographs, to document our client's permanent scarring. By taking these extra photographs, we document and prove our damages, making a significant difference in the overall recovery.
2. Property Damage Photographs: When taking pictures of a bike after a crash, we first start the process by taking pictures of the license plate and the vehicle identification number. Second, take photographs of all four sides of the bike, having a good picture taken from the rear, both sides and the front, having the full bike in each view, to appreciate all the damage to the bike. We also take pictures of the headlamp, the odometer, tire treads and other parts, to show the bike was in good mechanical condition before the crash. We also recommend taking pictures of any accessories or features added to the bike; as, these things may help us argue the bike had a higher value, if totaled. Finally, if we find ourselves taking pictures of the bike at the tow yard, we also hope to take pictures of the other

Watch Out For Motorcycles!

vehicle involved in the accident, if the other vehicle is accessible or close by. In a recent case, we traced the vehicle to the driver's residence, it had been towed and placed in his front yard, and we obtained property damage photographs of this vehicle also.

3. **Scene Photographs:** Scene photographs are best if they include "the view" of each driver involved in the accident. Whether it is through family, friends or a private investigator, we go back to the scene taking pictures of the intersection from each driver's point of view, making sure to also capture the names of street signs or traffic controls at the intersection, also to show and prove the other driver's view was not obstructed; or if it was, to identify how so and who else might be responsible. We also take pictures of changes in the road surface, to document gouge marks, skid marks, debris and other important evidence; and remember, as conditions can change over time, it is best to obtain the scene photographs as soon as possible.
4. **Save Your Photographs:** It is also important to always save your photographs. One of the things about digital photographs, is they are easy to store and have for future use. In the best scenario, our clients save a copy to their home computer and also email a copy to my desk, where I download the file, label it and attach it to the file for future use. Anytime afterwards, the photographs are at our fingertips, used within demands, litigation, discovery or trial.

Information courtesy of:

Bradley D. Souders, P.A.

Attorney & Counselor At Law

115 S Fielding Avenue

Tampa, FL 33606

813-254-5155 Office

813-220-7767 Cell

brad@hoglaw1.com

www.HOG-LAW.com