



Personal Injury | Wrongful Death | Auto Accidents | Product Liability | Premises Liability

DOCUMENTING PROOF OF INJURY

Why it's so Important to Take Photos



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Documenting Proof of Injury

Why it's so Important to Take Photos

As trial attorneys, it is often best for us to think about a case in reverse – so for us, it starts with the Verdict Form for trial, then, we work our way backwards.

You may ask why this is important when most cases do not go to court, much less go all the way to trial? Documenting proof of injury – right after an accident – is important no matter what the stage a case or claim is at. **YOU CANNOT GO BACK IN TIME TO GET EVIDENCE THAT DISAPPEARS LATER ON.**

In most cases, the first question on the Verdict Form is: Was the defendant negligent? However, the lynchpin question on the Verdict Form is: **Was the defendant's negligence a legal cause of loss, injury or damage?** This is the number one area where the defense will dispute a claim. It is always the plaintiff's job to prove it is more likely than not that an accident caused the injury; the defense will hire a doctor to try to poke holes or throw doubt in the eyes of the jury.

How can we stop that and how can we help take that issue from the jury's consideration – objective proof. **If, for example, you're in a car crash and the airbag deploys leaving burns on your face or the seatbelt leaves bruising on your chest – TAKE PHOTOGRAPHS. If you fall because of liquid on the floor and it leaves a bruise to your hip – TAKE PHOTOGRAPHS (also take photographs of the liquid).** Most times, we ask clients if they took photographs and they reply, I just didn't think to take photos.



In trial, there is a concept called a Directed Verdict – which means that the Judge can say – as a matter of law – that the evidence is so clear that the jury cannot reach any other decision. When it comes to causation of loss, injury, or damage, it is not always enough for doctors (for both plaintiff and defense) to say that the accident was the cause of the injury if there are issues of credibility to be weighed by a jury. **However, if you have a photograph showing clearly that an injury exists – this will likely be enough to show your entitlement to damages.**

The phrase, “a picture is worth a thousand words” is most evident in cases where you or a loved one is claiming an injury because of the negligence of another. Some injuries or outward signs of trauma fade or disappear with time and can never be objectively proved again – so it is always best to get proof from the beginning. Some people are naturally skeptical – so a photograph is something that is undisputable. **A photograph of your injury will always help prove your case.**

Even the best lawyers are confident by the law and by the facts – it never hurts to have undeniable facts to document your injuries and the losses you suffer when in an accident. ■



Florida Texting Ban

Florida Considers Full Texting Ban

Florida is known nationally for having some of the deadliest roadways. So why is it that Florida is one of only four states to treat texting while driving as a secondary offense, and not a primary offense. In Florida, law enforcement can only pull a driver over for texting if the officer sees the driver committing another violation as well.

According to Insurance Institute for Highway Safety statistics, five of the seven states without a primary offense law have highway death rates above the national average. Florida, Montana and Arizona tied for the ninth-highest fatality rate.

In Florida last year, there were 49,231 accidents resulting in 235 deaths caused by distracted drivers, according to data compiled by the Department of Highway Safety and Motor Vehicles.

The number of distracted driving car crashes in Florida has risen steadily since the texting as a secondary offense law took effect in October 2013.

Florida's texting law, as it stands, makes texting while driving a secondary offense and subject to a \$20 fine with no points assessed on a driver's record. After several years of failed attempts to change the law, the Florida Legislature is once again looking to

toughen distracted driving laws with the introduction of Bill HB 33: Texting While Driving.

If the proposed Bill (HB 33) passes, it would make texting behind the wheel a primary offense. Police will no longer have to wait for another violation to cite the driver. A texting while driving violation would carry a \$30 fine plus court costs, for a total penalty of up to \$108, and a second or subsequent violation within five years would be subject to a \$60 fine plus court costs totaling \$158. A violation resulting in a crash would add six points to the driver's record.

If you would like to follow the Bill's progress visit:

<https://www.flsenate.gov/Session/Bill/2018/00033>. ■

An Unsafe Statistic

A staggering 49 percent of adults admit to texting and driving, even though 98 percent of adults say they know the practice is unsafe.



Supporting Warriors in Pink



We are proud sponsors of the **2018 Susan G. Komen Race for the Cure® South Florida** with our litigation paralegal and breast cancer survivor, June Cozza.

Did You Know?

In 2018, it's estimated that among U.S. women and men there will be*:

- 268,670 new cases of invasive breast cancer
- 41,400 breast cancer deaths

**American Cancer Society. Cancer Facts and Figures 2018. Atlanta, GA: American Cancer Society, 2018.*

Driver Pet Peeves Word Search



Circle-Word List

- | | | |
|---------------|--------------|---------------|
| Brake Tapping | Slow Drivers | Horn Honking |
| Cell Phones | Loud Music | Tailgaters |
| Construction | Road Rage | Texting |
| Gridlock | Turn Signals | High Beams |
| Speeding | Weavers | Rubbernecking |

And The Answer is?

What percent of fatal crashes – involving large trucks – are caused by both car and truck driver error?

- 5%
- 12%
- 43%
- 90%



*See page 5 for answer.

Supporting Our Community

Attorney Scott B. Perry Has Been Promoted to Partner

“We are pleased to promote Scott to partner,” said Firm Founder Jason Guari. “Scott has demonstrated a commitment to Murray Guari traditions of hard work, grit, and overall excellence in legal representation for our clients.”

Firm Founder Scott Murray added, “we are extremely pleased by the leadership and initiative that Scott has shown. He is a talented young lawyer who will continue to use the experience, skill and work ethic he has demonstrated - since joining our firm - to achieve the best results for our clients.”

Scott joined the firm as an Associate Attorney in 2012 and previously during law school, he worked as a Law Clerk for the firm where he assisted the attorneys with legal research, preparing motions and pleadings, and in overall pre-litigation, case management work-up.

Scott is a member of the Florida Bar, the American Association for Justice, the Florida Justice Association,

and the Palm Beach County Justice Association. He is a member of the Palm Beach County Bar Association and serves as a Committee member of the Professionalism Committee (2015-2018) and the Circuit Civil Practice Committee (2017-2018). He is also the Secretary of the Young Lawyers’ Section of the Palm Beach County Bar Association.

Scott has been recognized by Florida SuperLawyers Magazine as a Personal Injury Rising Star. Only 2.5% of attorneys can be selected as a Rising Star from 2016-2018.

Scott’s practice will continue to focus on personal injury and wrongful death matters. He represents victims of auto accidents, slip and falls, and defective products throughout the State of Florida. ■



Thank You For Your Confidence And Trust In Us

We at Murray Guari are thankful and humbled by the **positive feedback from our clients**. We remain strong on our focus – helping our clients when they need it most. **Here we share a recent review provided by a client:**

“An Office that really does work for you. Forget those large billboard companies. They have many associates and no personal care. At Murray Guari, the care you get is personal with availability to suit your schedule.

Each person is hardworking, and your case won’t be lost in the law clerks & associates. Their work is greatly detailed & investigative in order to get you the most compensation you deserve – a very honest, hardworking trial lawyer.

My case was settled in mediation after a spectacular presentation by Scott C. Murray that left no doubt of fault; with a payout I could never think of. I recommend this office highly.”

– JH

Murray Guari – Hablamos Español

Nosotros, tanto como usted, llamamos el Sur de la Florida nuestro hogar. Practicamos la ley de lesiones personales en todas partes de la Florida y estamos orgullosos de ofrecer nuestros servicios en los condados de Palm Beach, Broward, Martin, y Treasure Coast. Tenemos más de 30 años de experiencia legal combinada. Si usted tiene un accidente de auto, un resbalón o caída, un producto defectuoso, negligencia médica o algún otro tipo de negligencia, llámenos al (561) 366-9099 o póngase en contacto con nosotros en el Internet en www.murrayguari.com. Nosotros tenemos un abogado disponible para hablar con usted en cualquier momento. ■

Recognitions

Our attorneys have been recognized on the local and national levels for their achievements in law, as well as their community leadership and other activities.



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Murray Guari Trial Attorneys PL

How Can We Help?

At Murray Guari Trial Attorneys PL, we **represent victims** throughout Florida who have suffered serious personal injuries due to the negligence of others. At our firm, you will find a team that is **truly concerned about your well-being and getting justice for you.** We are proud that our clients come to us based on a personal recommendation from past clients and from other attorneys in the community who respect our reputation and the quality of our work. We would be honored to put our experience, skill and integrity to work for you. ■



Keith Hedrick, Scott C. Murray, Jason J. Guari, and Scott B. Perry

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