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Personal Injury

Mobile photos, video helpful in slip and fall cases



The best tool for documenting evidence after a fall may already be in your back pocket, says Windsor personal injury lawyer [Gino Paciocco](#).

Smartphones can be incredibly useful and important devices for victims who need photo and video evidence of conditions leading to slip and fall injuries, says Paciocco, founding partner of [Paciocco & Mellow](#).

“If there is no video footage or photographs available, then you would get into a ‘he said, she said’ situation and it is hard to predict who will be believed,” Paciocco says. “You can help take that uncertainty out of the discussion if you have technology involved.”

For example, photos or video can document the level of lighting, the slippery surface, the injury itself and the condition of footwear, Paciocco tells [AdvocateDaily.com](#).

If the property owner claims that they adequately maintained the grounds, the defence can be tossed out if video evidence shows the contrary, he says.

The ice, snow and poor terrain that comes along with winter and early spring means it’s a busy time for slip and fall claims, says Paciocco. Driveways, residential properties and sidewalks are all common locations for injuries.

People who slip and fall suffer from head injuries, broken bones, fractures or soft tissues injuries.

“Even soft tissue injuries can prevent people from working, which could have grave consequences for people who lose their sources of income,” he says.

Individuals who are making their way through snowy and icy walkways should keep in mind that a quick photo or video could provide excellent evidence in a case.

“The first priority after an injury should always be to get help, but while you’re waiting, you could take a picture of the area, and a video,” Paciocco says, adding properties should be safe and well-lit.

“Properties have to be maintained so they are reasonably safe so that you will not get hurt. You can help your case by gathering evidence with a smartphone to establish that the property was not safe.”

Someone may not consider pursuing legal action until time has passed and income is lost or medical bills pile up, he adds. But people should think of their smartphones as something that can help them in more ways than one, right away.

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Not only can it document the scene, but a phone can be used to call for help and for a lawyer's advice. "In fact, in some circumstances, if you do not report the incident/injury to the property owner within a matter of days, you could lose your right to sue," explains Paciocco.

"People should know their rights and get legal advice," he says. "The lawyer may say based on the pictures that the property was not unsafe and that you do not have a valid claim. Nonetheless, it is always prudent to get legal advice to know whether or not you have a case."

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