

MEDICOLEGAL NEWS

VOLUME NINE, NUMBER SIX

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JUNE 27, 2005

WHAT IS YOUR RESPONSE WHEN A DEFENSE LAWYER SHOWS PICTURES OF MINIMAL PROPERTY DAMAGE TO AN ARBITRATOR?

The number one response should be that pictures can be deceiving. In fact, accident reconstructionists NEVER rely on pictures but instead rely upon evidence of physical damage from repair estimates. It is widely accepted that pictures often do not tell the entire story.

Pictures can be so deceiving that the Delaware Supreme Court recently prohibited the showing of pictures of the plaintiff vehicle's bumper if there is no expert testimony from a biomechanist and/or accident reconstructionist to corroborate the claim that the accident was low speed in nature, and if their intent is to persuade the jury that the accident involved minimal force without expert testimony

Application of the Delaware standard would require all defendants to hire experts to make low speed arguments. We suggest you file a motion with the arbitrator to prohibit the showing of pictures without expert testimony. This will force the defense to hire an expert who we can then rebut. It is simply not possible to predict the likelihood or severity of injury for a particular individual by calculating Delta V which is the change in velocity.

The citation for the Delaware case is Rosetta Davis, Plaintiff v. Franz Maute, Defendant, C.A. No. 99C-02-030, Delaware Supreme Court.