

## **If I Could Turn Back Time**

When starting the investigation of a case, the internet is a trusty resource for helpful information about parties, medical conditions, treatment, and incident scenes. It is rare for me to meet a client for the first time without needing to access the internet at some point during our discussion. To enhance the process, my firm's conference rooms are outfitted with computers linked to wall-mounted televisions and wireless peripherals. These allow me to navigate the internet alongside my client as we gather and clarify facts together.

Google Maps is the tool I use most often. Aerial satellite imagery and street view photographs instantly orient me to a scene and help complete the client's recollection of an incident. Still images captured from Google Maps often serve as exhibits during depositions and trials. In my experience these images have become ubiquitous, and it is rare for defense counsel to object to their use even if they have not been formally disclosed.

The Google Maps feature with the most utility in my practice is user access to historical street view images. Old street view images have been available within Google Maps for close to two years, but based upon my discussions with other trial lawyers it seems the existence of these images is not widely known or utilized.

As an example, I met a potential client who was injured after tripping and falling after she stepped into a pothole in a crosswalk. Upon seeing the photographs she had taken of the pothole, it was clear the condition was dangerous and in need of repairs. The immediate issue was estimating the length of time the pothole had been in the crosswalk for purposes of constructive notice. In fact, the client had already been dropped by another firm because the firm was unable to develop any credible evidence of how long the pothole had existed.

As my client was describing her fall, I opened Google and typed in the cross streets where the fall took place. The first search result was a map view of the intersection with a superimposed street view image. I clicked the street view image and got a full screen image of the intersection. In the upper left corner of my window there was a dark box containing an arrow (returning me to an aerial view), the approximate address where my virtual person was standing, and a small clock icon next to the label "Street View – Jun 2015" which indicated the date on which the image I was viewing had been taken.

I clicked the clock icon and the dark box expanded, showing an image with a timeline below it from 2008 to 2014. The timeline had various waypoints indicating other dates when images of the same location had been taken. I clicked

a waypoint prior to the date of my client's incident, and then clicked on the new image that appeared. After a few more clicks, my client and I were looking at an image taken more than two years prior to her fall which clearly depicted the same pothole, right there in the crosswalk. In a few brief minutes, without leaving the conference room, my client and I had developed probative evidence of constructive notice I would later use to buttress the opinions of my expert.

This is only one example of how accessing historical images has improved my investigations, and there are a variety of cases and fact patterns in which older street view images can be useful (it's great for sidewalks too!). I have also used Maricopa County Assessor maps to review older aerial images.

To be fair, the research is not always helpful, as a few times an old image has supported the notice defense! And, when using historical images from Google Maps, be sure to consider the problem of authentication. Street view photos are often taken by third-party vendors hired by Google and are difficult to identify by name. I have had difficulty locating the appropriate custodian of records to confirm the date of the image is accurate, and navigating Google customer service, if such a thing even exists, has been daunting. Yet, the images have still proven useful for my liability experts and during settlement negotiations.