



The strongest personal injury cases are often built in the first few hours after an accident, long before a claim is filed and well before anyone steps into a courtroom. Evidence has a short shelf life. Skid marks fade. Security footage is overwritten. Damaged vehicles are repaired or sold. Witnesses grow less certain with every retelling. Phones get replaced. Text threads disappear. If you wait for the insurance company to ask for proof, you are usually already behind.

That is why evidence preservation matters so much. A good claim is not carried by outrage alone. It is carried by details, timing, and records that can withstand scrutiny. A Personal Injury Lawyer knows this instinctively. The job is not just arguing legal theories. It is identifying what matters, securing it before it vanishes, and making sure it can later be traced, authenticated, and explained.

People often assume evidence means photographs taken at the scene. Photos help, and in some cases they are excellent. But the evidence landscape is much broader. It includes medical records, body cam footage, business surveillance, event data from vehicles, maintenance logs, prior complaints, employment records, pharmacy records, weather data, metadata from phones, and the unglamorous paperwork that ties everything together. The

right piece of proof can turn a disputed claim into a straightforward one. The wrong gap can give an insurer room to deny, delay, or discount.

The first mistake people make after getting hurt

Most injured people focus, understandably, on getting through the day. They are in pain, embarrassed, angry, or simply trying to get home. They assume the police report or incident report will capture what happened. Sometimes it does. Often it does not.

Reports are useful, but they are not comprehensive. They can contain shorthand, omissions, and occasional mistakes. An officer may not interview every witness. A store manager may write an incident report that favors the business. In a multi vehicle crash, the report may summarize impact points without preserving the subtle facts that later explain fault. Those subtleties matter. Was the other driver braking late, or not at all? Did a spill in a grocery aisle have tracked footprints showing it had been there for twenty minutes? Was a stair tread loose, or did it break only after the fall? Those issues rarely sort themselves out unless someone moves quickly.

The second mistake is assuming digital evidence will wait. It often will not. Many businesses overwrite surveillance footage in days or weeks. Commercial vehicles may retain telematics data for a limited period. Some phone apps store location history inconsistently, and users sometimes erase data accidentally while trying to free up storage. Delay helps the other side, even when no one acts in bad faith.

What counts as crucial evidence

In practice, evidence falls into a few categories, though the lines overlap. Physical evidence includes damaged property, clothing, helmets, defective products, broken railings, tire fragments, and debris. Documentary evidence covers medical charts, billing statements, repair estimates, employment records, leases, maintenance logs, inspection records, and internal reports. Digital evidence includes video, photographs, texts, emails, app data, GPS points, black box downloads, and time stamps. Testimonial evidence comes from eyewitnesses, treating doctors, first responders, family members, and sometimes co workers who can describe changes in your ability to function.

The best cases connect these categories. A photograph of bruising means more when it lines up with a same day urgent care record. A witness statement gains force when a time stamped video places that witness exactly where they said they were. A wage loss claim is stronger when payroll records match a doctor's work restrictions. Good preservation is less about hoarding everything than about preserving enough reliable material to make the story difficult to distort.

The scene rarely looks the same the next day

Accident scenes are dynamic. Weather changes surfaces. Cleanup crews remove debris. Property owners fix hazards. Vehicles are towed and dismantled. Construction zones are reconfigured overnight. If you are physically able, scene documentation should happen immediately or as soon as someone can do it for you.

A practical example makes the point. In a parking lot collision, a client once had a few rushed photos of vehicle damage but nothing showing the faded stop bar and obscured directional arrows near the point of impact. Two days later, the shopping center repainted the lane markings. The repainting itself suggested the markings had been poor, but because no one had documented the original condition, the case became an argument instead of a clear presentation. That difference affected settlement value.

A thorough record of the scene does not require professional equipment. A phone can do plenty if used methodically. Wide shots show layout. Midrange shots show distances and landmarks. Close ups capture damage, spills, cracks, signage, lighting, and anything else that may explain what happened. Short video clips can help establish perspective better than still images alone. Time and date stamps matter. If location services are on, even better.

Medical evidence starts before the first specialist visit

People sometimes think medical evidence begins when they see an orthopedic surgeon, neurologist, or other specialist. It begins much earlier. It starts with the first complaint of pain, the first mention of dizziness, the first notation that symptoms worsened at work, and the first recommendation for follow up care. Those early records shape credibility.

There is a hard truth here. Gaps in treatment create problems, even when they have innocent explanations. Maybe the person lacked transportation, could not get time off, or hoped the pain would fade. Those things happen. But insurance adjusters and defense lawyers often treat delayed treatment as evidence that the injury was minor or unrelated. That is why clear documentation matters. If you cannot get in quickly, keep proof that you tried. Save appointment requests, call logs, urgent care discharge instructions, and pharmacy receipts. Those details fill holes.

A Personal Injury Lawyer will usually want the full medical picture, not just the records that seem favorable. Prior injuries, preexisting conditions, and old imaging studies can all become relevant. Hiding them rarely works and often backfires. A more effective approach is to preserve everything and let the evidence show the difference between old issues and new harm. A patient with prior back pain can still suffer a serious aggravation after a crash. But proving aggravation requires careful timelines, comparison records, and honest reporting.

Your phone can help or hurt the case

Phones are evidence vaults, but they are also landmines. The same device may contain photos of the scene, messages about pain levels, location data, health app entries, and missed work communications. It may also contain a cheerful social post that the defense later waves around to imply you were not injured.

That does not mean you should stop living or posting entirely. It means you should be thoughtful. Do not delete relevant material out of panic. Deletion can create accusations of spoliation, which is the destruction or loss of evidence that should have been preserved. Also do not curate your digital life for the case by posting selective updates. Casual comments like "I'm fine" are common politeness in normal life, but they can look very different when quoted by an insurer.

Save the original files whenever possible. Screenshots can help, but they are weaker than original metadata rich files. If a video shows the immediate aftermath, preserve the original version, not just a compressed copy sent through a messaging app. Back up the device. If the phone is damaged, tell your lawyer before replacing or resetting it. Sometimes the device itself, or the data on it, becomes important.

Surveillance footage disappears faster than people expect

One of the most valuable and most fleeting forms of evidence is surveillance video. Stores, apartment complexes, buses, ride share vehicles, office buildings, gas stations, and intersections may all have footage. Some systems keep recordings for a month. Some overwrite them within [Personal Injury Lawyer](#) days. Some have spotty angles or disabled cameras. You usually do not know until someone asks, and by then the recording may be gone.

This is where speed and specificity matter. A preservation request should identify the date, time range, location, and event clearly enough that the owner can locate the footage. Vague requests are easy to ignore or mishandle. A skilled Personal Injury Lawyer will often send a preservation letter quickly, and in some cases follow up aggressively if there is reason to believe relevant footage exists. The letter itself does not guarantee compliance, but it helps establish that the recipient was on notice.

A common misconception is that only the exact moment of impact matters. In reality, footage from several minutes before and after can be just as useful. It may show a spill sitting unaddressed, a driver using a phone, a truck backing without a spotter, or a person visibly struggling after a fall. Context wins cases.

Damaged property tells a story, if you keep it

People understandably want to throw away ripped clothing, cracked helmets, broken child car seats, shattered phones, and bloodied shoes. Those items are upsetting. They are also often important. A torn sleeve can support how a person was pulled down. A helmet can reveal the point of impact in a bicycle crash. A damaged car seat may matter both for safety reasons and for illustrating force. Shoes in a slip and fall case can become central if the defense claims inappropriate footwear caused the incident.

Keep damaged items in the condition they were in after the event, as much as possible. Do not wash, repair, or alter them unless there is a compelling reason. Photograph them first. Store them in a dry place. If the item has packaging, serial numbers, or receipts, keep those too. In product related cases, this becomes even more important. A defective ladder, appliance, tire, or tool may need expert inspection. Once altered, it may lose much of its evidentiary value.

The same principle applies to vehicles. If there is a serious dispute about crash dynamics, crush damage, seat belt function, airbag deployment, or module data, the vehicle should not be repaired or salvaged before the claim is properly evaluated. That is not practical in every case, and storage costs can be real, but the decision should be made with advice, not guesswork.

Witnesses do not stay fresh for long

Witness evidence decays in a quiet way. Few people mean to become unreliable. Memory simply changes. People blend what they saw with what they later heard. They forget exact wording. They lose confidence in estimates of speed, distance, and timing. Six months later, a witness may still remember the event, but not with the precision that makes testimony powerful.

The best witness statements are gathered early and preserved carefully. Names and contact information are the bare minimum. Short recorded recollections can help in some circumstances, but there are legal and practical considerations, especially regarding consent laws for recordings, so this is an area where caution matters. Even a contemporaneous written account from the injured person can be valuable. Pain journals, symptom notes, and day by day descriptions of limitations are often dismissed as self serving, but when kept consistently and tied to treatment records, they can be persuasive.

I have seen modest claims improve significantly because a coworker could explain, in concrete terms, how a person went from lifting fifty pound boxes daily to needing help with routine tasks. That kind of testimony is not dramatic. It is credible, and credibility moves value.

Employment and income records are often neglected

When people think about evidence, they usually focus on proving fault and injury. They give less attention to proving losses. That is a mistake. If you miss work, lose overtime, burn through sick leave, pass on a promotion, or have to reduce hours, those losses should be documented with the same care as the accident itself.

Payroll summaries, attendance records, tax returns, commission statements, client cancellations, and disability paperwork can all matter. For self employed people, the challenge is often greater. Income may fluctuate. Lost opportunities may not appear neatly in a pay stub. Preserving calendars, invoices, job bids, contracts, and correspondence with customers becomes essential. A claim for lost earning capacity, in particular, lives or dies on detail. Broad statements about business slowing down rarely carry the day.

There is also nuance here. Not every missed workday translates directly into a recoverable wage claim if paid leave covered the absence. That does not mean the loss is meaningless. Sometimes used leave itself has value, and at minimum the time away from work may support the seriousness of the injury. The specifics depend on the jurisdiction and the facts, which is another reason preservation matters before strategy is decided.

The preservation letter is more than a formality

A preservation letter, sometimes called a spoliation letter, is one of the quiet workhorses of injury litigation. Sent to a business, property owner, trucking company, employer, manufacturer, or other relevant party, it places them on notice to preserve evidence that may be relevant to the claim. That can include video, maintenance records, inspection logs, personnel files, incident reports, electronic data, and physical items.

The value of the letter is partly practical and partly strategic. Practically, it alerts the recipient before routine deletion or disposal occurs. Strategically, it can matter later if evidence disappears after notice was given. Courts vary in how they handle spoliation issues, and sanctions are never automatic, but a documented request is far better than silence.

These letters work best when they are tailored. Asking for “all documents and evidence” is easy to draft and easy to sidestep. Asking for surveillance footage from specific cameras between 2:10 p.m. And 2:40 p.m. On a specific date, along with cleaning logs for aisle seven and employee incident reports, is much harder to brush aside.

What not to do when trying to preserve evidence

Well meaning people sometimes damage their own cases while trying to help. They annotate photos, crop images, add arrows, or save only edited versions. They wash blood from clothing. They trade in a vehicle too soon. They post lengthy public explanations online. They ask witnesses to “help me out” by tweaking their wording. They sign broad medical authorizations for insurers without understanding the scope. Each of those choices can create avoidable problems.

There is a difference between organizing evidence and shaping it. The goal is preservation, not performance. Keep originals. Make copies for convenience, but do not overwrite source files. If you need to explain context, do it in a separate note. If a business contacts you after an incident and asks for a recorded statement, be careful. The pressure to appear cooperative is real, but casual statements made before the facts are clear often become anchors for later cross examination.

Serious cases need a chain of custody mindset

Most everyday claims do not require forensic level handling of every item, but serious injury cases often benefit from that mindset. Chain of custody simply means being able to show what an item is, where it came from, who

had it, and whether it changed. This becomes especially important with vehicles, defective products, biological samples, and electronic downloads.

Suppose a motorcycle helmet is central to a disputed head injury case. If it sits in a garage for nine months, gets handled by several relatives, and then is produced with scratches no one can explain, its value drops. If it was photographed immediately, bagged, labeled, stored, and logged, an expert can assess it with more confidence. Jurors may never hear the term chain of custody in a minor case, but they intuitively respond to careful handling and reliable proof.

Why early legal help changes the quality of evidence

People sometimes think calling a lawyer early means they are rushing into litigation. Often it means the opposite. It means someone is taking steps to preserve options while the facts are still fresh. A seasoned Personal Injury Lawyer will not only assess liability and damages, but also think in terms of disappearing proof. Which cameras might exist. Whether a truck should be inspected. Whether a 911 call recording should be ordered. Whether a defective product should be quarantined. Whether a scene should be photographed at the same time of day to capture comparable lighting.

This is one of the least visible parts of legal work and one of the most important. By the time a case looks weak on paper, the real problem is often that the best evidence was never secured. No cross examination skill can recreate overwritten footage. No expert can inspect a product that was thrown away. No doctor can document pain that was never reported.

Good evidence preservation does not guarantee a successful claim. Some cases still involve honest disputes, difficult medical histories, or limited insurance coverage. But preservation gives a fair claim a fair chance. It narrows the room for speculation. It protects the truth from erosion. And when the other side realizes the facts were documented early and carefully, that often changes the tone of the entire case.

The practical takeaway is simple. Treat the period right after an injury as a race against loss. Get medical care. Document the scene. Preserve damaged items. Save digital records in original form. Identify witnesses. Protect employment and wage documentation. Be careful with public statements. And if the injuries are significant or liability is contested, speak with a Personal Injury Lawyer before crucial evidence slips beyond recovery. That early discipline is rarely dramatic, but it is often the difference between a claim that struggles and one that stands on solid ground.

CGH Injury Lawyers

Address: 2701 Lawrence St Ste 201, Denver, CO 80205

FAQ About Personal Injury Lawyer

Is it worth suing for personal injury?

Whether suing is worth it depends on your medical bills, lost wages, and clear proof of fault. It is usually worth it if you have severe injuries, expensive treatments, or uncooperative insurance. It is rarely worth it for minor bumps and bruises where costs and time outweigh the payout.

How hard is it to win a personal injury lawsuit?

Winning a personal injury claim is generally favorable if you have strong proof. About 95% of cases settle out of court, and plaintiffs win roughly 50% of the cases that actually go to a trial. However, success depends heavily on clear facts, the type of accident, and insurance company resistance.

What not to say to a personal injury lawyer?

When talking to your personal injury lawyer, the biggest mistake is hiding facts or minimizing your pain. You should never lie, omit prior injuries, downplay your symptoms, or guess about details you do not know. Absolute honesty is required because your attorney needs to know the bad facts to defend your case against the insurance company.