



# The Law Offices of Marc L. Shapiro, P.A.

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# #BUSTED

## How Social Media Continues to Shape Litigation

Here's a fact worth sharing: According to the Pew Research Center, 83% of U.S. adults report using *some* form of social media. Statistically, that's higher than the percentage of our population that drinks alcohol (62%) or reports eating meat at least once a week (81%). In 2005, one year after Facebook hit the internet, that number was just 5%. The rise of social media has defined history in the last 20 years. With June 30 being Social Media Day, it's the perfect time to discuss how the technology continues to reshape our lives — *and* our judicial system.

### Computers and Courtrooms

With how ingrained social media is in our everyday lives, it should come as no surprise that it also commonly comes up in legal cases. A picture is worth a thousand words, is it not? In personal injury cases, it certainly can be. But social media is a treasure trove not only for photographic evidence but also for posts, comments, and videos. These can all become legal evidence — including in your personal injury case.

In a personal injury suit, insurance companies often scour social media to look for inconsistencies to undermine a plaintiff's credibility. For instance, if a client claimed they could not walk but were seen dancing the tango on video, that can diminish their credibility. The easiest way to avoid this sort of scenario is to be *honest*. Do not exaggerate your injuries or how debilitating

your pain is. Saying that you feel pain and are uncomfortable while dancing is enough; you do not have to convince a jury you are *incapable* of dancing due to your pain.

### Tools for Discovery

It doesn't even have to be something you *yourself* added to a social media site: As long as you are in a photo or video, and the other side in the case discovers it, they can use it against you. With facial recognition software, anyone can find people in photos, even if they are not the one who shared them. The tools scour the internet to discover someone's likeness.

Let's say a restaurant is being sued for serving someone who was already drunk. If the establishment can show the patron *was not* visibly intoxicated, either through their own video surveillance or a picture someone else took in the bar that night, that can go a long way to proving their case. One tool we use is PimEyes, a website allowing you to upload any photo and discover *where* it was initially published. This software already plays a prominent role in litigation, and similar innovations are likely to move the needle even further.

### If It's Out There

Social media is currently a topic of discussion in legal cases, and I predict it will continue even more regularly and in entirely different ways going forward. Everyone is



familiar with the advent of AI. However, the implications of the new technology are far more significant than you might imagine. With AI synthesizing realistic-looking videos, replicating someone's voice, and creating realistic-looking photographs, the potential for fabricating evidence is very real. It will only become a greater issue as the technology develops further.

Social media has become a huge part of our lives and is undoubtedly a prominent part of our recent history. I am curious to see what the future of technology holds and how it will continue to shape our everyday lives and judicial system in the years to come.

*Marc L.  
Shapiro*



# WHAT WERE THEY THINKING?

## Weird State Laws Safeguard Salamanders and Seaweed

Ignorance about the law is usually not a defense if you're caught in a violation. Some oddball state laws, however, are so strange that they could only be described as booby traps for the unknowing. Here are two legislative oddities sure to surprise any hapless offender.

### 76 Salamanders

A popular YouTube commentator has called out the state of Illinois for barring anyone from owning more than 75 salamanders. Why? Several salamander species are classified as endangered in Illinois, and the state regulates the commercial trade of these amphibians. The law assumes any resident who possesses salamanders valued at \$600 or more intends to market them commercially — illegally. The law estimates the value of a salamander at \$5, suggesting it actually prohibits owning 120 salamanders. But who's counting?

### Nighttime Seaweed

From the annals of lawmaking history, a 1973 New Hampshire law banned any effort to "carry away or collect for the purpose of carrying away any seaweed ... between evening and daylight."

The backstory: Farmers in New Hampshire once collected seaweed from the beaches to use as fertilizer, leading at least one town to ban

nighttime harvesting to "give everyone an equal chance" at stocking up on seaweed. However, after a group of high school students singled out the law as the state's dumbest, lawmakers repealed it in 2016.

Not all states with stupid laws are culpable. Internet jokesters questioned South Dakota about a law supposedly barring people from falling asleep in a cheese factory. The actual law makes a lot more sense: It bans setting up your bedroom in a space used to prepare food for the public.

Noting the error, a Sioux Falls radio station, Hot 104.7, fired back at critics, creating their own new category of missteps: "Stupid questions people ask about South Dakota." Fair enough!



Did you know that dog bites put 600 Floridians in the hospital each year? Since Florida is a *strict liability* state, hundreds of dog owners are likely on the hook for substantial damages. Dog bite cases are common in Florida, but determining blame is often less complicated than collecting damages. Here is the rundown on how dog bite cases are handled in Florida.

## Who Let the Dogs Out?

### Explaining Strict Liability in Dog Bite Cases

#### What is strict liability?

According to Florida Statute 767.04, the owner of a dog that bites a person, whether in a public or private place, is liable for damages, regardless of whether the dog has displayed vicious behavior before the incident. There are exceptions to this, of course. One, if a dog bites an uninvited person (expressed or implied) on private property, the owner may not be liable. Second, if the owner's property displays a legible sign featuring the words "Bad Dog," they may not be liable. Lastly, if the person attacked, goaded, or abused the dog, the owner may not be liable. However, *none* of these exceptions apply if the victim is under 6 years old.

#### Dog Sitters

In the immortal words of the Baha Men, "Who let the dogs out?" If a dog owner has

someone watch their dog, and that dog then attacks someone under the sitter's watch, the dog sitter could share liability for those damages. This would be an example of comparative negligence, where the dog sitter and dog owner could each share 50% responsibility and, therefore, each be liable for 50% of the damages.

#### Canine Collections

When a dog bite victim takes the dog owner to court, one of the biggest difficulties they face is collecting damages. Some homeowner's insurance policies cover dog bites — although they are sometimes subject to exclusions based on the breed of the dog in question — but the amount they pay out may not always match or exceed the plaintiff's desired damages.

# EXPERIENCE THE DIFFERENCE

## TRUST THE ATTORNEY WITH A STELLAR REPUTATION

*"Marc and the law firm were absolutely amazing from start to finish. Every person I spoke to was polite and helpful. I had the pleasure of working with Katie throughout my case. She took such a stressful situation and made everything an easy process. She was by my side the whole way and was open with communication, even if this meant answering my emails after hours. She went to bat for me, put up one hell of a fight, and in the end, she was very successful. I would personally recommend Katie and Marc to anyone."*

-L.S.

*"The Law Offices of Marc Shapiro was great to work with. Randall Austin, my attorney, is smart, kind, fair, and honest and worked hard to come to a resolution with my case. Everyone in the office was great, and I especially enjoyed working with Amanda. I highly recommend this law firm!"*

-M. Cappa

*"Great experience working with this firm! They handled my case in a timely manner. Katie, my case manager, was very helpful and addressed all my questions and concerns. She was also very effective in communicating every update regarding my case. 10/10 experience!"*

-Nedjannie A.

*"Marc and his team were extremely helpful in a stressful situation where I did not know whom to trust. I would highly recommend this firm."*

-Sue Law



## Delightful Banana Bread

*This comforting, fruity favorite transforms overripe bananas into a moist, delicious treat perfect for breakfast or a snack.*

### Ingredients

- 2 cups all-purpose flour
- 1 tsp baking powder
- 1 tsp baking soda
- 1/4 tsp salt
- 1/2 cup butter, softened
- 1 cup granulated sugar
- 2 large eggs
- 2 cups mashed ripe bananas
- 1/2 cup chopped walnuts (optional)

### Directions

1. Preheat oven to 350 F and grease a 9x5-inch loaf pan.
2. Combine flour, baking powder, baking soda, and salt in a medium bowl.
3. In a large bowl, beat butter and sugar until light and fluffy.
4. Add eggs and mashed bananas and mix until blended.
5. Gradually add dry ingredients to wet ingredients, stirring until blended.
6. Stir in walnuts.
7. Pour batter into prepared pan.
8. Bake for 65–70 minutes or until a toothpick inserted into the center comes out clean. Let cool before serving.

## Word Search

K	P	J	R	U	P	O	O	G	G	V	R	K	K	R
B	A	R	U	I	J	K	R	K	N	W	X	P	I	E
K	R	M	C	N	Y	S	H	E	D	I	R	P	W	H
P	K	N	B	D	E	W	L	S	L	D	P	C	W	T
H	I	K	I	N	G	T	P	A	J	V	V	M	I	A
C	N	E	R	U	T	N	E	V	D	A	W	N	A	F
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Y	J	B	X	V	V	R	Q	K	D	R	L	J	S	O

ADVENTURE  
CAMPING  
FATHER  
GEMINI

HIKING  
JUNETEENTH  
PARK  
PICNIC

PRIDE  
SANDALS  
SUNBURN  
SWIMMING



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# DINING SOLO

## A Woman's Right to Eat Alone

Did you know that a little over a century ago, women could not eat alone in restaurants? If they did, people would assume the woman was, let's say, "looking for work," and she would be disgraced, and so would the restaurant. So, women who wanted to dine alone or with other women would be turned away. Women needed to be accompanied by a man to eat out in public.

How did this finally change? After being denied a ticket to a dinner event because of her gender, a journalist named Jane Cunningham Croly took action. Croly was an English-born American journalist who wrote and advocated for equal rights and economic independence for women. Croly also founded and was the first president of the Women's Press Club of New York.

One of Croly's biggest advocacy groups was a women's dinner club named Sororis. The women of Sororis held their first official meeting in April 1868 at a New York restaurant called Delmonico's to protest the ban on women's solo dining. They demanded service, and Delmonico's agreed, making it the first establishment in U.S. history to allow women to dine without a male chaperone.



When World War I began, more women entered the workforce, earning them increased independence. New restaurants and lunch counters started to open that would serve working women, and gradually, dining without a man became commonplace. Progress was slow, though; even as recently as 1970, some restaurants still barred solo women from entering. Thankfully, in today's society, this would never fly!