

Social Media Guidelines

Recently, insurance companies and their lawyers have gained access to injured person's social networking sites. Sometimes, this is done by merely looking at a site that is readily available to everyone. Other times, trickery is used to gain access to private postings. Importantly, once litigation commences this information is available as a matter of right. Set forth below is a recent formal written inquiry by the defense where an injured client was required to respond to under oath:

Copies of all documents and records of any sort regarding any "Facebook.com", "Instagram.com", "Twitter.com", "LinkedIn.com", "MySpace.com", "Classmates.com", "Reunion.com", "Tagged.com", etc. social networking page in which you have belonged or contributed to, or any web logs ("blogs") you have maintained, beginning two years before the subject accident to the present.

Once insurance companies/defense lawyers gain the information on any social networking sites, they take statements or photos entirely out of context to make it appear as if a client is not as injured as they claim. Even though we will have the opportunity of explaining the full extent and nature of your injuries, potential jurors are swayed by this tactic.

We have established a set of guidelines that we give to each and every one of our clients at the commencement of their case. Following these guidelines will ensure that your case will not be harmed by your use of any social networking site. Conversely, if you disregard these suggestions, you do so at your peril. Postings on your site can come back to haunt you and us as we work on your insurance claim.

The suggested guidelines you should follow until the conclusion of your case are simple:

- 1. Never discuss your case in any fashion on any social networking sites. This includes the fact that you were involved in an accident, how the accident happened, who was involved, the extent of your injuries, and the impact the injuries have had upon you at home, work, and play.**
- 2. Never mention any activities that you are involved in. This includes ANY sporting activities, hunting, fishing, vacations, employment, social activities, household activities, chores, etc. (Again, these comments can be used out of context and damage your case.)**
- 3. Never post a photograph of yourself on any social networking site from this point forward until your case is concluded. (Photographs showing you in an activity or social environment can cause difficulty and will be used against you in your case.)**
- 4. Never post information on your Facebook page or on other social networks that are open to the public. Also, understand that even if you post something on your private site only viewable by your "friends", it will be accessible to the opposing party and insurance company in your case.**

5. Do not allow a new “friend” unless you know who that person is. It is not beyond the insurance company/defense to “friend” you just to see your private site.

6. If you have posted items on your social network that could prove to be embarrassing or uncomfortable if observed by any stranger or by the insurance company/defense, you should remove that post immediately. However, understand that if something has been posted at anytime it may become available to the other side. If that is the case, please discuss the posting(s) with us so that we may deal with the matter.

Important

It is important to understand that making an insurance claim for your injuries will bring into light your social network postings. From this point forward, it is important to be aware your social networking site can cause difficulties in regard to a personal injury claim.