

SOCIAL NETWORKING SITES

If you belong to a public social networking account such as FaceBook, YouTube, Twitter, Instagram, etc., we STRONGLY recommend that you not post anything related to your case and/or even close it until your case is completely over.

If you choose not to close your accounts, we warn you to use great caution. Whatever you write or post or have EVER written or posted, will probably fall into the hands of the defense attorney for the insurance company. It is now standard practice for them to run computer searches and investigations to get information about your personal life. They will try to get it without your knowledge or permission. Increasingly, they will demand that you provide them with your account passwords. They will also ask the court to order you to release your Facebook or other account information to them.

If you have such a site, you should immediately verify that all your settings are on PRIVATE (the highest setting possible) and nothing is public. Even with the highest privacy settings, you should only write or post items that cannot be used to hurt you. These sites are open to the public. The law is unclear if, or to what extent, privacy laws apply.

We understand you may want to keep your site(s) active. If so, we make the following specific recommendations:

DO NOT

- **Allow anyone to become a "friend" on a website like FaceBook unless you are absolutely sure you know that person.**
- **Post any photographs or video of yourself (or enable others to "tag" you)**
- **Write or disclose anything about your personal life that you would be embarrassed to have a defense attorney use against you in front of a judge and jury**

- **Send emails regarding your case to anyone except your attorneys**
- **Send texts regarding your case to anyone except your attorneys**
- **Participate in blogs, chatrooms, or message boards.**

We have seen an increase in electronic surveillance of these types of accounts and sites by insurance companies, investigators, and defense attorneys. They hope to discover information to embarrass, humiliate or hurt you and your case. They will look for pictures or comments by you or your friends that they can take out of context to prove that your injury is exaggerated or false. Innocent, harmless joking between private "Friends," is used and distorted by insurance companies to try to convince a judge and jury that a plaintiff is dishonest.

Be aware that the insurance companies may ask the court to order release of all information contained within your home computers and laptop hard drives regarding these issues. The insurance companies also subpoena cell phone records to obtain transcripts from texting. The insurance companies may also subpoena Facebook and other social networking sites.

These warnings also apply to any social networking sites maintained by your family members. Your family members and friends should be cautioned not to make any reference to your case, your injuries, your activities, or any matter that may relate to your case while your case is active.

We understand that it is a great inconvenience for you and your family members to limit your social networking. However, your case is very important, and you do not want to jeopardize your case by divulging personal information to an insurance company, investigator or defense attorney. You cannot protect yourself against these types of intrusions unless you follow our warnings and instructions.

If you already have posted any photos, videos, or material relating to your case, or sent text messages or emails to anyone other than your attorneys, please provide a copy of any and all such materials to us immediately. We want to avoid being "Facebooked" at trial when the other attorney starts trying to offer exhibits showing you doing something that makes it appear as though you were not hurt. So, keep this in mind. The other insurance company's adjusters may have already started looking for any social media on you as soon as they get notice of a claim.