



## Ankin Law Office LLC

Protecting the Rights of Injured Workers

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## Social media as evidence in personal injury cases



Social media is increasingly being used as evidence in many different types of legal proceedings, including [criminal matters](#), [divorce proceedings](#) and even [personal injury lawsuits](#). Social media can be a great resource in many types of cases and provides a wealth of information for personal injury lawyers. Of course, it's a double edged sword, since it can also provide opposing counsel with useful evidence that can be used against personal injury plaintiffs.

Because social media is a relatively new phenomenon, courts around the country are just beginning to address the issues encountered when lawyers attempt to use evidence obtained from social media in support of their case.

For example, the Maryland Injury Lawyer blog recently [discussed](#) a decision from the Maryland Court of Appeals that addressed the issue of how to authenticate at trial evidence obtained from social media sites. At issue in [Griffen v. State](#) was whether the State properly authenticated a Facebook profile and comment by simply eliciting testimony from a police officer whereby he confirmed that the person's date of birth and photo as they appeared on Facebook matched her actual date of birth and appearance.

The court concluded that his testimony alone was insufficient:

The potential for abuse and manipulation of a social networking site by someone other than its purported creator and/or user leads to our conclusion that a printout of an image from such a site requires a greater degree of authentication than merely identifying the date of birth of the creator and her visage in a photograph on the site in order to reflect that Ms. Barber was its creator and the author of the "snitches get stitches" language...

The court likewise suggested a number of ways to go about properly authenticating social media evidence, such as eliciting testimony from the person alleged to have created the data at issue, searching the hard drive of the computer of the person alleged to have created the data at issue or obtain information from the social media platform where the comment was posted.

All in all, it's an interesting issue and is further evidence that social media sites are likely to be of ever increasing importance to personal injury attorneys in the months and years to come.

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