

DO's and DONT's of Social Media During a Personal Injury Case

You might not have thought about this, but what is posted on social media sites like Facebook and Twitter can really (negatively) affect your personal injury case.

Example:

Defense Attorney: *"So, your injuries have kept you from doing your normal activities?"*

You, the Injury Victim: *"Yes, I can't do anything I used to do."*

Defense: *"And you used to garden regularly, but now you can't?"*

You: *"Correct."*

Defense: *"Can you tell me who this is gardening in this photo, taken by your daughter two months after your accident and posted to her Facebook account?"*

You: *"Me, but I was only out there for 10 minutes because..." (interrupted)*

Defense: *"I understand. Gardening must not be a 'normal activity.' (sarcasm) No further questions."*

As you can see, it is very important to monitor everything about your online presence. Here are 7 tips we believe everyone with a pending injury case should follow.

1. DO: Disable your blog and Facebook. Your blog, especially, is very personal and searchable. It's too tempting to write about your everyday life, and your 'everyday life' can jeopardize your claim. If you do not want to disable your Facebook account, at least limit your profile so it can only be viewed by friends - but please be aware that the contents of your entire account can be requested by the opposing lawyer.
2. DO NOT: Post information about your accident on Facebook, Twitter, blogs, etc. - and ask your friends to refrain, too. This includes pictures, comments, and videos.
3. DO: Take old photos and updates that could be used against you off the internet. For example, one complaint you made about your back years before the accident can be used as evidence that your accident did not cause your back injury. All of these can be requested by the opposing lawyer; there's no reason for you to make it public while a suit is pending.
4. DO NOT: Post information about your recovery. Again, do not put any pictures or videos online.
5. DO: Google yourself. If you find any content or pictures or videos that might hurt you, try to have these things taken off the internet.
6. DO NOT: Let your friends post anything about you. Monitor friends' activity. If they post photos of you, make comments about you, check you in to locations, etc., you need to know so you can make sure these won't hurt your case.
7. DO: Pay attention to what updates you post (on ALL sites), and what events you accept. If you say you are attending a rollerblading event, but you can't walk, this discrepancy will show up in trial.

Note: Taking pictures off the internet is not the same as destroying evidence. Taking videos and photos off the internet makes it more difficult for them to be used against you. While we encourage cooperation with the opposition, we don't want to make it too easy by making evidence public!