



# EXPERIENCE MATTERS WHEN WINNING MATTERS

## The Promises and Pitfalls of Social Media in the Legal Community

Social media has changed the world in many incredible ways, both good and bad. This applies not only to normal day to day life, but also in the courtroom. Many people are surprised to learn how their social media activities can be used in almost any type of legal battle. Understanding how social media can help your case, and how it can hurt it, is important for anyone facing any type of lawsuit or other legal case.

### **It's an Easy Place to Upload Images**

When you are injured in an auto accident, slip and fall accident, or another situation, it is important to document what happened right away. This often means taking pictures of the area where the injury took place. If you don't have sufficient storage open on your phone, uploading

pictures and videos to your social media account can serve as a safe place to store them until they can be given to your attorney. Of course, you must also keep in mind that the defense attorney will also be able to access these files; so while it may be convenient, it is not an ideal option if it can be avoided.

### **You Can Get Evidence on the Other Party**

When filing a lawsuit against another party due to a personal injury, it is important to get as much evidence as you can. If the other party is posting on their social media accounts, those posts can be used to help support your case. Even seemingly unimportant posts on a social media account can prove to be very valuable when arguing your case. For example, if the defense is attempting to say that they didn't fix the crack in their walkway that caused your injury because they didn't have the money to do it, but then posted on social media about a major purchase they made around that time, it could be helpful to your case.

### **It Can Provide Proof of Activities Discounting Your Injuries**

When suing another party due to a personal injury, the way that injury has impacted your life can play a large role in determining what type of compensation you are entitled to. For example, if you claim that an injury to your back has made it so you can no longer enjoy playing sports with your child, the courts may compensate you for that loss. If, however, after making that claim you post on social media a video of you running and jumping, the defense attorneys will use that to show that you were exaggerating your claims.

In this example, it is important to note that even if you aren't able to play basketball with your kids but you can do certain other physical activities, it can still hurt your case. The defense attorneys will do all they can to discount your claims, and the results are often more about

how they can make you appear to the courts rather than the how the injury is actually impacting your life.

### **It Provides Evidence of Your Emotional State**

People often try to stay very positive on social media. This is why vacation posts, pictures of kids, and talking about life accomplishments is so popular. If you are posting uplifting quotes and other things that could be used to show that you are doing well emotionally, that can actually hurt your case. Pain and suffering is an important type of damage used in personal injury cases. A defense attorney can try to use your positive social media posts to show that while you may have been injured, it hasn't negatively impacted your life in a significant way. This could result in a significantly lower settlement offer or reduced compensation when going to trial.

### **It Attempts to Tarnish Your Reputation**

Whenever you are engaged in a legal dispute, your reputation is going to be extremely important. If the opposing attorney can show or even indicate that you are lying, it will seriously undermine your case. If you are posting on social media from the time of your injury to the end of your case, it will provide the defendant with a lot of information that can be used against you.

For example, if you testify in court that you attended a physical therapy appointment on a certain date and time, but then your social media posts show that you were doing something else, it can raise doubts about all your other testimony. Even if it was just a simple mistake where you mixed up the dates or times, it can still make you look bad. While the judge may understand that little mistakes like this can happen, it can really plant that seed of doubt in their mind regarding other things that you say.

## **It's Not Just Personal Injury Cases**

Social media posts can have a big impact on your personal injury case, but that's not all. Posting on social media can have an equally harmful impact on just about every other type of legal situation, which is why a growing number of attorneys are advising their clients to stay off these platforms while their case is going on. While using social media has become an everyday activity for many people, it is much safer to take a break and focus on your case. There are already many examples of divorces, child custody cases, criminal cases, and others that have been influenced by social media.

## **It is Best to Stay Off Social Media**

While social media has the potential to be a positive in your life, the risks to your legal case can far outweigh any benefits. In almost all cases it is a good idea to just stay completely off Facebook, Twitter, Instagram, and all other social media platforms for the duration of the legal process. It is extremely rare that posting on social media could help your case, and surprisingly common that it could cause problems. If you have any questions about social media and your case, or you need to speak with an attorney about a personal injury you have experienced, please contact us right away.