

THE LAW OFFICE OF **MONIER ABUSAFT, ESQ.**

Social Networking Letter

Re: Social Networking Sites

Dear CLIENT,

If you belong to a public social networking account such as Facebook, MySpace, YouTube, Twitter, Google Buzz, LinkedIn etc., we strongly recommend that you close any and all accounts until your case is completely over.

If you choose not to close your accounts, we warn you to use great caution. Everything you write or post, or have written or posted about you, will probably fall into the hands of the defense attorney or insurance company. It is now a standard defense practice to run computer searches and investigations to obtain information about your personal life. Defense counsel will try to obtain information and access without your knowledge or permission. In addition, an increasingly common practice is for defense counsel to request your social networking accounts and passwords during discovery or through a court order.

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. Our best advice is that you take down your site(s) until your case is over.

We understand you may decide to keep your site(s). 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 e-mails regarding your case to anyone except your attorneys.
- Send texts regarding your case to anyone except your attorneys.
- Enter insurance websites.
- Participate in blogs, chat-rooms 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. They will look for pictures or comments by you or your friends and take this information out of context to prove that your injury is exaggerated or false. We have seen innocent, harmless joking between private “friends,” used and distorted by

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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 the issues we have discussed above. We have seen insurance companies subpoena cell phone records to obtain transcripts from texting. We have seen them subpoena MySpace and other social networking sites.

Asking you to limit your social networking is a great inconvenience. But your case is very important. We cannot protect you fully unless you follow our warnings and instructions. Finally, our law firm and staff members do use social media. Our policy is not to “friend” our clients until the legal case has concluded. This is because we are in an Attorney-Client relationship with you and need to establish clear boundaries to protect this relationship for so long as your case is active.

If you have any questions or concerns about this, do not hesitate to contact our office.

Sincerely,

Mo Abusaft