

BOLHOUSE, BAAR & LEFERE, P.C.
ATTORNEYS AT LAW

NEW LAW IN TOWN

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Last month our firm won a case, in part, by presenting the contents of the defendant's WebPages, blogs, and YouTube posts to the presiding judge. While the evidence was not the proverbial "smoking gun," it definitely pushed the scales of justice in our favor.

Evidence taken from social media sites is becoming more and more common in family law cases, and privacy settings may not keep the information protected. In a New York case, the judge ruled that the defendants could have access to all of the plaintiff's private postings to MySpace and Facebook. Along with using Facebook and MySpace, family law attorneys are also using cell phone records to expose affairs, addiction, and poor parenting. The American Academy of Matrimonial Lawyers says that over the last 5 years, 81 percent of its members have used or have faced evidence plucked from Facebook, MySpace, Twitter and other social networking sites, including YouTube and LinkedIn.

Employers are also finding themselves liable for their employees' off-duty posts and tweets. A hospital was recently sued for an employee's embarrassing tweets about a patient. A manufacturer was found liable for an employee's endorsements of its product. In response, more and more prudent companies are implementing social media policies to deal with this growing problem.

Social media has gone viral as evidence in the courtroom. It has also opened the door to a host of various lawsuits. Think before you post, tweet, or blog *anything*. Remember, once you hit SEND, DELETE will not keep the information from coming back to haunt you.