

Sullivan Papain Block McGrath & Cannavo P.C.

Personal Injury Medical Malpractice

40 lawyers with offices in New York City, Garden City, Suffolk County and New Jersey

Social Media & Litigation, *con't* ...

By Frank V. Floriani

For example, suppose you fractured your leg in an accident and you testify that it still hurts and that you are still limited in what you can do. But suppose you posted photos from a wedding where you are dancing (and maybe paid the price for doing so but you wanted to be sociable), this could have easily been handled by you testifying that you did go to the wedding and danced but that it still caused you problems instead of being surprised by questions about it when the defense lawyer takes the photos out and starts questioning you about it. Now it doesn't look like you are trying to hide something and you are not contradicting your prior testimony.

Also, you should be aware that once you are in an accident you should not alter your Facebook page or any other sites where you post. A court could consider this "spoliation" or destruction of evidence. We counsel clients upon our retention not to do anything to alter their Facebook pages (or other sites). In one case, a client was fined \$188,000.00 for following his lawyer's (erroneous) advice to remove Facebook photos (the lawyer was fined \$522,000.00 and found himself also the subject of a criminal investigation).

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Call us at any one of these locations to schedule a **free consultation** with a personal injury lawyer.

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