

How Social Media Can Make or Break Your Personal Injury Claim

Most of us have integrated social media into our daily lives. Whether you're posting what you're doing or keeping up with what everyone else is doing, there's no doubt that social media seeps into all aspects of our lives, including legal aspects. Shocking statistics reveal the reach and impact of social media. Over 350 million photos are uploaded to Facebook every day, and Instagram users post around 95 million photos daily. Social media provides a window into our lives and the lives of others, but during a personal injury case, this window can become a liability. It's bad enough that we have to think of our digital footprint and how future employers might look at what we've posted, we have to be extra diligent when we are involved in a personal injury lawsuit.

Evidence Gathering

Posts and Photos: Insurance companies and opposing counsel often scrutinize social media profiles for evidence that could undermine your claim. Photos, status updates, and check-ins can be used to argue that your injuries are not as severe as claimed. For example, say you are claiming severe injuries to your lower back and right knee. A video that your friend posts of you bench pressing at the gym can, and likely will be used against you.

Public vs. Private: Even if your social media profiles are set to private, there are still ways this information can be accessed legally. Courts can subpoena social media records if they are relevant to the case. Therefore, it's wise to assume that anything you post online can be discovered and used in court. As always, assume that everything you post online is there forever.

Impact on Credibility

Consistency: Any inconsistencies between your statements to your lawyer, doctor, or insurance company and your social media posts can damage your credibility. For example, if you claim to be suffering emotional damages and can barely leave the house, but post photos of your current vacation in Mexico, your emotional damage claims might not hold as much weight.

Emotional Impact: Posts expressing anger or frustration about the accident or legal process can also be used against you. Opposing counsel may use these posts to portray you as unreasonable or exaggerated in your claims. Lawsuits can be frustrating and they can take longer than expected, but never voice your frustrations online about your lawyer or the opposing counsel. There are people watching every move that you make.

Best Practices for Social Media Use

Think Before You Post: During an ongoing personal injury case, it's best to avoid posting about the accident, your injuries, or any activities that could be misinterpreted. This also includes comments and photos posted by friends or family members that tag you. Perhaps it might be time to take that much-needed social media hiatus.

Adjust Privacy Settings: While nothing is truly private online, tightening your privacy settings can provide an additional layer of protection. Limit who can see your posts and review tagged photos before they appear on your profile.

Consult Your Lawyer: Always discuss your social media use with your lawyer. They can provide specific guidance tailored to your case and help you avoid pitfalls that could jeopardize your claim.

Conclusion

Social media can be a double-edged sword in personal injury cases. While it offers a platform to share your life, it also provides a treasure trove of information that can be used against you. By being mindful of your online presence and consulting with your lawyer, you can protect your claim and ensure that your social media activity does not negatively impact your case.