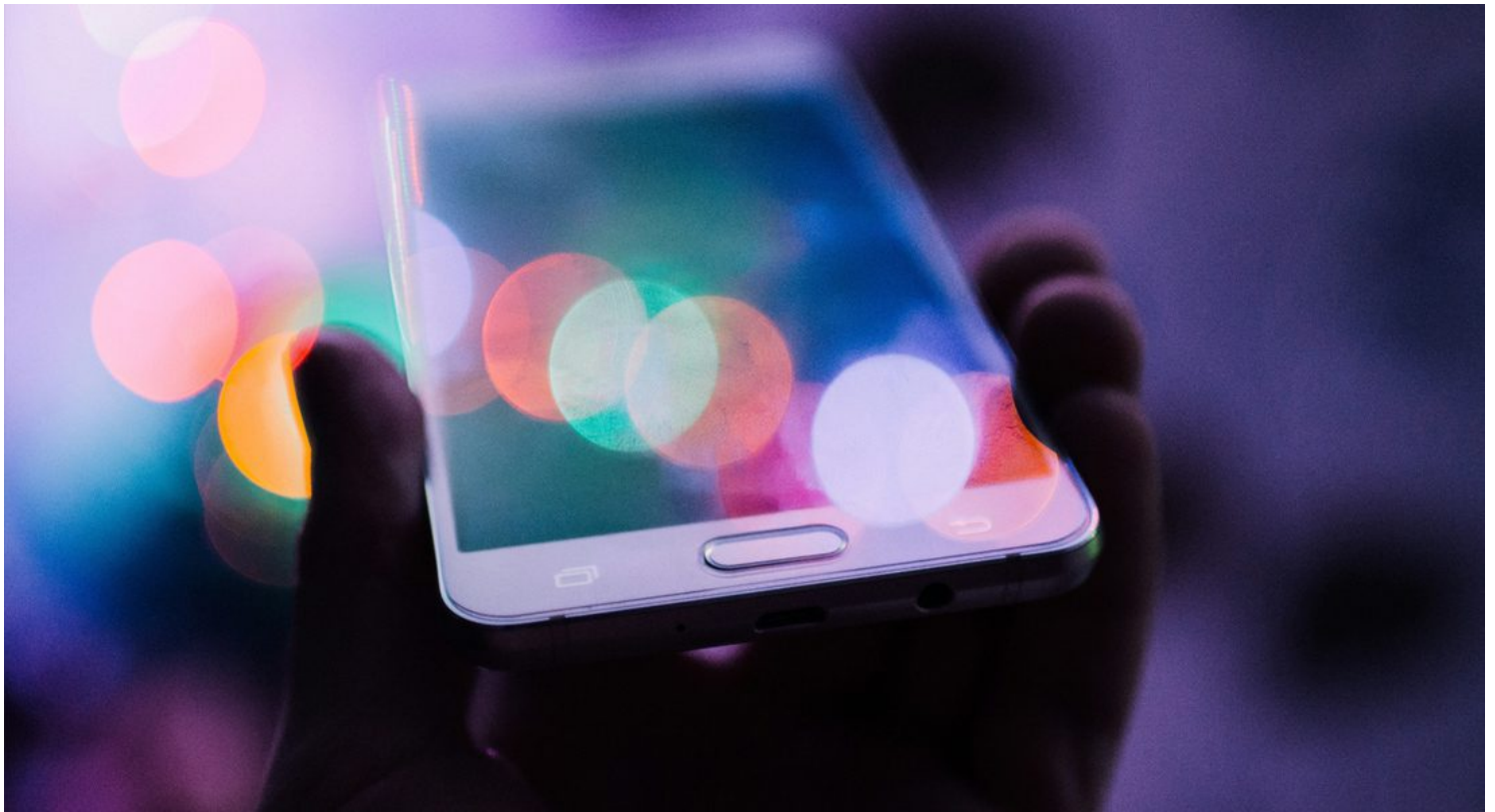


NEWS & INSIGHTS

Social media tips for trucking companies

INSIGHTSARTICLE

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The prevalence of social media is indisputable. When there has been an accident, social media is an important litigation tool. Here are some key considerations:

1. Check it early and often

Accidents grab attention, so claimants may post about what happened long before considering litigation, providing both information and material for a defense attorney to cross-examine or impeach. Updates and comments may be added or removed at any time by the claimant and others.

2. So, what are you looking for?

First, you will want anything related to this accident. Second, look for anything related to prior or subsequent accidents and injuries. Third, look for content specific to the claims being made. If the plaintiff is claiming a loss of income or earning capacity, look for any posts regarding income, work, or job prospects. If the plaintiff is claiming a loss of life's pleasures, look for pictures and posts about vacations, travels, celebrations, etc. If the plaintiff is claiming an inability to do physical activities, look for content relating to their physical activities.

3. Save it.

Once claimants speak to an attorney, they will likely be instructed to make their social media private. Be sure to save or print content when you find it so that it does not disappear forever. Screenshots work well for this.

4. Tell your drivers.

Make sure drivers know to avoid posting ANYTHING on social media about the accident. Tell drivers to check their privacy settings regularly. Plaintiffs' attorneys will look for anything they could show a jury that makes you look bad – even content that would seem irrelevant. While admissibility can be fought, it is better to not have it out there.

5. Other key points.

Never friend or otherwise reach out to plaintiffs to gain access to private portions of social media pages. Check for relatives or friends of the plaintiff who may post additional relevant content. Social media surveillance is cheap and can help to focus traditional surveillance if conducted. If the information that is accessible to the public suggests that there may be more relevant private content, some Judges may require production of that private content in discovery.

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