

Think Before You Post

By Attorney Kelly Lenahan



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We now live in a world where most of us are members of at least one social networking site. Updating a status, chatting with a friend, and uploading a picture or a video on Facebook, Twitter, or My Space is a routine part of our daily lives. Many of us can even access these sites directly from our smart phones so that everyone can instantaneously know where we are and what we are doing.

Most of us, by now, know to tell our teenagers and young adults to be cautious about what is posted because colleges/universities and potential employers may gain access to these sites to make determinations about admission or employment.

What may not be as commonly known is that any person involved as a Plaintiff in a personal injury matter may have to endure scrutiny of their social networking accounts. Routinely, Plaintiffs in personal injury matters, such as auto accidents or slips and falls, will be asked to turn over information regarding their social networking sites, so that they can be reviewed by the Defendant's lawyer and/or the Court. Depending on what information is deemed relevant to the case, wall posts, status updates, pictures, and even emails may end up being reviewed by the jury deciding your case.

The next logical question is how will this affect my personal injury case? The most extreme example is that review of your site could have a very negative effect on your case if you are stretching the truth about your limitations or injuries from an accident. Consider the Plaintiff who testifies in a deposition, that because of her injuries, she is limited in her ability to exercise. If that Plaintiff has status updates or emails to friends on her Facebook account referencing all the times she has been to the gym that week, that Plaintiff, rightfully, will be confronted about this discrepancy. That Plaintiff will not likely be seen as credible by the jury deciding her case. The ramifications, in that instance, would be very severe, in that she would probably lose her lawsuit, and therefore, not have any chance to recover for the injuries from which she legitimately suffers.

Clearly, it is always prudent to be honest in one's personal injury lawsuit, however, some Plaintiffs may think that stretching the truth a little won't hurt their case. After all, if you have sufficient privacy settings, only those accepted as "friends" should have access to such information. But, most courts, in Pennsylvania and other states, have consistently allowed Defendants' lawyers to review all the information contained within the Plaintiffs' sites.

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The example shown above clearly is an extreme and most Plaintiffs are not confronted with such a problem, but there are other concerns as well. In a recent decision by the Court of Common Pleas of Franklin County, Pennsylvania, the Court decided that a Plaintiff claiming injuries from an automobile accident was required to turn over her Facebook log-in information and allow Defendant's legal counsel the opportunity to review her entire account for twenty-one (21) days.

This decision means that, as a personal injury Plaintiff, everything that you have ever posted or discussed on your account can be reviewed. Defendant's legal counsel will have access to private emails that were not posted for public viewing. Defendant's counsel will even have access to anything posted prior to your accident—photographs, videos, chats, and posts. Much of this information may have no bearing or relevance to your lawsuit, but it still can be reviewed and seen by those defending against your suit.

While this seems like an invasion of privacy, the landscape of defending personal injury lawsuits has changed dramatically. It is now much easier to find out information about personal injury Plaintiffs, and most of the time, the Plaintiffs must voluntarily provide this information through their social networking sites.

So, what can potential Plaintiffs do to protect themselves? I would suggest the following:

1. Be honest about your injuries and limitations. Then, whatever you post will be consistent with what you claim in your lawsuit.
2. Don't post anything that you would not want your mother to see. If you are questioning whether it is appropriate to post something, it probably isn't.
3. Resist the urge to post everything and anything. Always consider who may view what you are posting and ask whether this is something that you want to keep private.
4. Finally, if you do not want private emails on Facebook to be reviewed, consider using an alternative email address that is not subject to scrutiny like a Facebook account may be.

Social networking has been a wonderful addition to our lives, but navigating this new territory requires some good old fashioned common sense. It is unnecessary to insist that all personal injury Plaintiffs delete their accounts or stop all activity on their social networking sites, but it is crucial that Plaintiffs are aware that their sites may be monitored. This means that you should always think before you post!

Holiday Safety Tips



The Holidays are a time of great joy for families, but they are also a time when all of us must exercise caution at home, at the malls and on the roadways. Here are a few quick safety tips to help make sure your holiday is the best it can be.

Before you leave home to visit family or friends, check road conditions. Use this link, <http://www.fhwa.dot.gov/trafficinfo/index.htm> to check on roadways in the state(s) you where will be traveling.

1. If you are traveling a distance to visit with family or friends and bad weather is a possibility, consider packing a small safety kit for your car. The safety kit should include:
 - A. A blanket for each passenger
 - B. Several bottles of fresh water
 - C. Non-perishable food such as granola bars
 - D. Flares
 - E. Fresh cell phone batteries or a car charger for your cell phone

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2. If traveling, notify family or friends when you are leaving and what route you plan to take.
3. Pack essential medications inside the passenger compartment (slick roads can often lead to rear-end collisions - medicine packed in the trunk of your car may be inaccessible or destroyed in even a minor rear-end collision).
4. When making purchases at a store use a credit card if possible, but don't overspend. If someone steals your credit card you have certain rights that will protect you from having to pay for fraudulent purchases.
5. If someone tries to steal your holiday presents as you walk from a store, let them have them. You can replace the gifts later.
6. Check all holiday lighting cords carefully - look for cracks or frayed wires in your power cords. If you find a problem, throw that cord away.
7. Fire departments ask that if you have a fresh tree, water it daily. Dry trees are among the most common causes of fires during the holidays.
8. If you are going to drink at a holiday party, don't drive. Assign a designated driver to keep everyone safe.
9. Follow all common sense rules when handling food for your holiday parties. Keep fresh meats and cheese refrigerated and remember to wash your hands often.
10. Holiday treats often contain nuts. Before serving any food that contains nuts, ask your guests if they have any food allergies.

These tips come courtesy of The Pennsylvania State Police, The PA Department of Transportation, The Center for Disease Control and your friends at Lenahan & Dempsey.

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VERDICTS AND SETTLEMENTS*



\$ 15,000,000.00	Verdict	Medical Negligence
\$ 13,600,000.00	Settlement	Insurance Bad Faith
\$ 6,775,000.00	Verdict	Motor Vehicle Collision
\$ 5,000,000.00	Settlement	Mistreatment of Disabled Children
\$ 4,601,387.00	Settlement	Insurance Bad Faith
\$ 4,500,000.00	Settlement	Work Place Injury
\$ 4,350,000.00	Settlement	Motor Vehicle Collision
\$ 3,078,825.00	Verdict	Insurance Bad Faith
\$ 2,700,000.00	Verdict	Motor Vehicle Collision
\$ 2,600,000.00	Settlement	Motor Vehicle Collision
\$ 2,520,809.00	Settlement	Motor Vehicle Collision
\$ 2,500,000.00	Verdict	Motor Vehicle Collision
\$ 1,700,000.00	Settlement	Motor Vehicle Collision
\$ 1,625,000.00	Settlement	Motor Vehicle Collision
\$ 1,600,000.00	Verdict	Medical Negligence
\$ 1,460,000.00	Settlement	Pedestrian Injury
\$ 1,350,000.00	Settlement	Pedestrian Injury
\$ 1,200,000.00	Verdict	Medical Negligence
\$ 1,130,000.00	Settlement	Work Place Injury
\$ 1,000,000.00	Settlement	Motor Vehicle Collision
\$ 1,000,000.00	Verdict	Personal Property
\$ 1,000,000.00	Settlement	Motor Vehicle Collision

* The facts of each case are different. No specific results are implied. Descriptions of awards in previous cases are no guarantee of future results and should not create any expectations that our firm, or any firm, can achieve similar results in another case.

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