

THE DANGERS OF SOCIAL MEDIA AND YOUR PERSONAL INJURY CASE

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Have you ever left your home or office and forgotten to take your cell phone with you? If so, did you get an anxious or nervous feeling that you were suddenly without this very important device that you *need* to perform your daily functions such as communicate, check current news updates, perform job functions or just listen to music? Let's face it, most adults, teens, and young children are now addicted to their cell phones, laptops and tablets, and the social media accounts that we associate with daily living. And many of us LOVE to post information about ourselves, our families, our friends, common groups, and just *stuff* in general.

Social media, such as TikTok, Facebook, Instagram, Twitter, Snapchat, and Pinterest, have become almost omnipresent in our culture. However, participation in these sites can have a serious impact on your personal injury claim and potentially your lawsuit. How and what you communicate on social media and the web, even to your closest friends and family, could have a tremendous impact on your pending case. Insurance company investigators and their defense attorneys are increasingly searching profiles and sites for information to embarrass claimants, cast doubt, claim injuries are exaggerated, or claim the injuries were caused by something other than the incident. Claims adjusters and defense attorneys have successfully used information found online, even if its intention was good-natured and innocent, to paint a plaintiff's claim or lawsuit as unnecessary, undeserving, or even fraudulent.

One common significant mistake a person (you) can make is when that person was just involved in a serious auto crash. Immediately after the crash a person's body generally courses with adrenaline and that person may feel unharmed at the accident scene. Then the person immediately posts pictures of his/her crushed vehicle on social media accounts with the comment "the car is totaled but I'm fine." Hopefully, that is the case. But more often than not, later that evening, the next morning, or even days later, a severe injury from the collision can make itself apparent. A person who was able to walk away from the crash may later be totally incapacitated because of whiplash, a fracture, nerve injury, or some other physical ailment caused by the wreck.

Although it may seem like common sense to understand posting about the collision may backfire, this article is a reminder to you that, should you be involved in a serious incident where you or a loved one are injured, the best course of action is NOT to post online about it.

Important steps to follow regarding social media and your personal injury case:

1. **DO NOT** post pictures after the accident of you participating in physical activities (hiking, golfing, dancing). This gives the appearance you are happy, healthy, and have no pain or suffering from your accident-related injuries;
2. **DO NOT** post pictures of you performing DIY projects around your house. These are particularly harmful if you are claiming lost wages or economic impact;
3. Be wary of friend requests from people you do not know. Researching social media accounts has become more prevalent for insurance company adjusters and investigators;
4. Tighten your privacy settings so only your authorized contacts may view your posts;

5. Ask friends and family members not to tag you in posts about the incident;
6. Do not post personal opinions about the claim or lawsuit;
7. Social media posts are admissible evidence in court;
8. Ask your attorney before deleting any potentially sensitive posts;
9. Parents: Teach your children well with respect to these social media rules!

Being a victim of a personal injury case is bad enough, please don't be a victim twice by allowing insurance companies and defense law firms to gather information from your social media accounts that can cause irreparable harm to your valuable case. Please contact us at (702) 380-2800 or contact me personally at Lsymanski@cpklaw.com if you or a loved one were injured and would like to schedule a free consultation (in-person or via Zoom). Thank you for your trust and referrals!