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**Social Media Investigation to Beat Liability & Drive Down Damages**

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The Internet has undoubtedly changed many aspects of everyday-life. Since 2000, the number of people connected via the Internet has increased by 832.5 percent. With the rapid amount of connections being made through the Internet, it's unsurprising that social media use would also be on the rise. Over 65 percent of adults now use social media on the internet, compared with only 7 percent of adults in 2005. In litigation, where access to information is fundamental to a strong case, social media can provide a treasure-trove of knowledge. There are, however, specific tools and techniques that must be employed to unlock this treasure.

To start researching an individual on the Internet, the natural place to start is Google. Simply performing a search on the person's name may provide useful insights and links to other sources of information. With fairly common names, it may be useful to include other keywords such as his or her last known location or type of profession. It is important to perform searches on Google by using all variations of the individual's name, casting a wide net for all possible results. In addition to a simple web search, Google also provides the ability to search news articles and images, and even set-up alerts via email whenever a website publishes a new page with a particular search term.

The next step would be to search particular social media websites for accounts associated with the individual, namely Facebook and Twitter. Facebook allows for a detailed view of a persons "likes" and interests, but is oftentimes inaccessible if the user has his or her account set as "private" and nonpublic. Twitter, on the other hand, is most often used for the public dissemination of opinions, beliefs, ideas, and activities.

Social media postings can be very useful for impeaching an opposing witness, locating other parties who might have information regarding an individual or the case, and assessing pre- and post-incident activity levels. However, this sort of research must be done very cautiously. First and foremost, any direct communication with a person represented by counsel would be a violation of professional ethics. That means, for example, lawyers cannot and should not send “friend requests” to others in order to gain access to his or her private Facebook account. Second, postings on social media can be un-published just as quickly and easily as it is to have published it in the first place. Because of this, always be sure to immediately save and preserve any information that may be useful.

In sum, social media research can lead to a valuable treasure of information but the path is littered with many landmines. Being able to successfully navigate the contours of this path is becoming increasingly essential for any litigator. As some jurisdictions have come to opine, social media research may indeed be required by an attorney’s ethical duty to provide competent representation and to “keep abreast of changes in the law and its practice, *including the benefits and risks associated with relevant technology.*”