

SOCIAL MEDIA IN THE COURTS

TAKE A TIP FROM A TOP LAWYER: YOUR POSTS CAN COME BACK TO BITE YOU.

BY GINA LIZZO

PHOTOS BY TESSA MARIE IMAGES

There's no denying social media has made our lives incredibly convenient. But it's also been the source of a host of problems that are carrying over into the courtroom. Famously (or infamously) launched in 2004 by Harvard University student Mark Zuckerberg, Facebook remains the most widely used social media platform, with more than 2.8 billion active members. A little over 50% of those

accounts are private. Those users have settings in place to shield themselves from the general public, essentially selecting who's viewing their content.

But how private is social media, really? "Your account can still be hacked or leaked via screenshots by friends—and there could be a glitch in the platform that allows the content to be seen by the public," says Media-based attorney Trevor Serine, who counts cybersecurity among his areas of *continued on page 38*





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— Joshua Waterston

West Chester-based attorney Julie Potts.



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Julie Potts represented a woman in a support case who noticed her ex-husband posting on LinkedIn about a salary raise he neglected to report for three years. “He owed something astronomical, like \$50,000 in back child support,” she says.

expertise. “It’s also potentially accessible via court order, subpoena, warrant, etc., and it’s always viewable by the platform itself and its workers.”

Serine’s advice for protecting yourself online: “I tell people, whether its public or private, assume that whoever you don’t want to see it can or will see it.”

Also keep in mind that by sharing posts on sites like Facebook and Instagram, you’re giving them the green light to utilize your content as they see fit. “When you sign up for social media apps, you’re usually giving the social media companies a perpetual license to your content to use for pretty much any reason, now and in the future,” says Joshua Waterston, a specialist in technology law with the Havertown-based firm Wilfttek LLC, noting that Facebook directly states this claim in its terms of service.

In addition to granting online platforms a license to what you share, your posts can have surprising impact, even landing you in legal trouble. “I have several fairly high-profile cases right now involving companies suing individuals for defamation regarding comments made online about their products or for bad or false reviews,” says Serine, adding that one client has spent over \$80,000 defending himself in federal court after posting about a particular product and its ineffectiveness.

For family lawyers in our region, social media often plays a significant role in their cases. “We’ve had custody cases where the parents have said they’d never say certain things against the other parent. Then the other parent produces Facebook posts that show the contrary,” says Gawthrop Greenwood PC’s Mary Ann Plankinton. “It completely upends credibility.”

Family attorney Julie Potts concurs. “I probably nudged a case over based on people’s posts about partying and drinking,” says Potts, who’s based in West Chester. “Where it comes into play more than you might think is actually in support.”

Potts once represented a woman in a support case who noticed her ex-husband posting on LinkedIn about a salary raise he neglected to report for three years. “He owed something astronomical, like \$50,000 in back child support,” says Potts.

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Q: HOW DOES THE TOP LAWYERS POLL WORK?

A: Main Line Today employs an annual peer-to-peer balloting system that determines the cream of the crop in each specialty. Local attorneys nominate their colleagues via online ballot. The winners are alphabetized by firm, then last name.

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Media-based attorney
Trevor Serine.



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“I tell people, whether its public or private, assume that whoever you don't want to see it can or will see it.”

— Trevor Serine

Ashley Stitzer advises her clients to stay off social media entirely. “There’s no better information about who you’re dealing with or what’s going on than what they’re saying [online],” says Stitzer, who works out of MacElree Harvey Ltd.’s West Chester office.

At the end of the day, all of our experts advise, if you don’t have something nice to say, don’t say it online.

TOP LAWYERS DIRECTORY

Q: CAN A LAWYER PAY TO BE ON THE LIST?

A: Never. Main Line Today receives no compensation from any source in exchange for placement on lists.

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