

## More Reasons Why Facebook can be Dangerous to Your Workers' Comp. Case

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Last year I published an article on this blog entitled "[How Facebook Can Undermine Your Workers' Compensation Case.](#)" I pointed out then that the default "privacy" settings on Facebook offered very little privacy at all – your "wall" containing status updates and comments from friends, and your photos are publicly viewable and insurance defense lawyers as well as human resource supervisors will eagerly view your profile to gather evidence. Some of these photos and comments could be taken out of context and could either reduce the settlement value of your case, or could convince a judge that your injury is not as severe as you content.

I suggested last year that you review your Facebook privacy settings and block access to your wall, photos and other personal information to trusted friends only.

Now, it seems that some defense counsel are taking the next step – that is they are using the discovery rules (interrogatories, requests for production of documents) to require you to make your Facebook profile available as part of the investigation of your case. This means that the insurance company's lawyer can demand that you provide access to your Facebook photos, wall and profile.

I recently reviewed a law review article entitled [Social Networking and Workers' Compensation Law at the Crossroads](#), by Professor Gregory Duhl and attorney Jaclyn Millner. The authors correctly note that the rules of evidence are more relaxed in an administrative forum like a state workers' compensation board and that workers' compensation judges see value in considering the social networking profiles of claimants.

# Georgia Workers Compensation Blog

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In my Georgia practice I regularly advise my clients that insurance companies will hire private investigators to conduct video surveillance, hoping to videotape a claimant performing a physical activity that is inconsistent with his claimed injury. Now I am adding to that warning a suggestion that my clients refrain from posting on Facebook, MySpace, Twitter and other social networking sites that could produce screen shots or other evidence that could be used to fight a claim.