January 9, 2019

VIA PORTAL DELIVERY

Re: Potential Injury / Medical Malpractice Case

Dear Client:

 The world is changing. Recently, our office has seen defense lawyers use social media and technology more and more to try and harm a plaintiff or family’s claim of injury and harm.

We would like to take this opportunity to make you aware of potential concerns we have regarding social networking websites such as Facebook, Instagram, Twitter, dating sites, etc. If you use these websites, please be advised that attorneys on the other side of your case will attempt to gather that information to find out anything and everything they can about you. Things you post on these websites can be misconstrued and can hurt your case. Please keep the following in mind:

1. **Do not delete anything on your Facebook, Instagram, Twitter, or other social media site now and throughout the course of your matter.** Even if you have already posted information you think may hurt your case, no matter its form, you may not delete it.
2. **Do** **not talk about your lawsuit on Facebook, Instagram, Twitter, and/or any other social media accounts.** This includes information of any type, including your testimony, upcoming trial, legal fees, legal advice, or anything else.
3. **Do not talk about anything related to your case or your physical condition on social networking sites.**
4. **Do not post photographs of yourself (or the loved one who suffered injuries) that reveal anything concerning your injuries or injured body parts.** This includes doing athletic actives, such as running, biking, swimming, dancing, or horsing around with friends.

In addition to the above requirements, we would like to make a few suggestions to ensure nothing is inadvertently disclosed about your case.

1. You may “deactivate” your Facebook, Instagram, Twitter, or other social media account temporarily during this legal matter to avoid any inappropriate posts or communication. You may “deactivate” your profile, but, again, you may **NOT delete** any information currently maintained on your social media profiles and accounts.
2. Check your privacy settings and adjust them to the highest security. For instance, ensure your privacy settings are set on Facebook to only allow users you have accepted as your friend to view your profile.
3. Check your “Friends List” and remove anyone that may cause a problem with your case.
4. Do not accept “Friend” invitations from anyone you do not know.
5. Do not post anything on any social networking website that you would not want a judge, jury, defense attorney, and the world to see.

In a more general sense, the things you discuss with others about the incident, your injuries, and the case may be discoverable by the other side in your case. They will ask for the names of everyone you have spoken with, all notes you made, etc. They may speak with these people. They may even hire private investigators to conduct surveillance of you.

Email messages may also be discoverable. Defendants will try to obtain emails you sent to others about the incident, your injuries, and the case. Communications with our firm may be protected by attorney-client privilege. Nevertheless, privileged communications and other protections may be lost if you are communicating with us using a work email address or using a computer at work or some other public place (e.g., internet café or library). Never email anyone at this office from your work email. That action may destroy our attorney-client confidentiality privilege and may greatly compromise your case. Even when emailing our office from a non-work account, please use discretion in what is communicated. Forwarding our communications to you with others may also destroy their privileged nature.

By signing a copy of this letter, you must affirm to us that if you have a Facebook account or other social networking page/dating site, you will follow the admonitions set forth in this letter. Please sign below and return this letter to us.

Very truly yours,



Lauren M. Ellerman

LME

**I HEREBY AFFIRM THAT I WILL ABIDE BY THE FOLLOWING RULES REGARDING SOCIAL MEDIA:**

1. **I UNDERSTAND THE USE OF SOCIAL MEDIA COULD DAMAGE MY CASE AND LEGAL CLAIM;**
2. **I WILL NOT DELETE OR DIRECT OTHERS TO DELETE INFORMATION ALREADY POSTED TO SOCIAL MEDIA ACCOUNTS;**
3. **I WILL NOT DISPARAGE THE DEFENDANTS OR PARTIES RELATED TO THE DEFENDANTS;**
4. **I WILL NOT POST REFERENCES TO MY LAWSUIT;**
5. **I WILL NOT POST PHOTOGRAPHS OR VIDEOS OF PHYSICAL ACTIVITY;**
6. **I WILL BE HONEST WITH MY ATTORNEYS ABOUT MY INJURIES AND WILL NOT POST PHOTOGRAPHS OR VIDEOS INCONSISTENT WITH THE INJURIES CLAIMED IN MY CASE (EITHER ON MY OWN SOCIAL MEDIA PAGE OR THROUGH A “TAG” ON SOMEONE ELSE’S PAGE); AND**
7. **SHOULD I FIND OR CREATE A POST RELEVANT TO MY CLAIM, I WILL NOTIFY MY ATTORNEYS AT FRITH ELLERMAN & DAVIS LAW FIRM IMMEDATIELY.**

**Client Date**