

Law Firm Protects Its Clients' Social Media Privacy Rights

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FORT COLLINS, Colo. -- FORT COLLINS – Most people use social media without a thought as to its potential impact upon their legal rights. But social media can get you fired, damage or destroy your legal claims, and subject you to liability for defamation. Attorney Mac Hester, of McCelvey Hester, LLC, a personal injury law firm, tries to protect his clients from damaging their legal claims through social media.

“Many of my clients are on Facebook, “ says Hester, “and they are always surprised, and usually upset, when I tell them that much of what they post online can and will be used against them in their legal cases.”

Insurance companies occasionally conduct video surveillance on persons making injury claims, but video surveillance is expensive. On the other hand, social media surveillance is cheap and easy. Hester advises his personal injury clients to assume that they are being surveilled whenever they are outside their house and whenever they post anything on Facebook, Twitter, Youtube, or other social media.

Hester says that, “When you file a personal injury lawsuit, everything that relates to your injuries and damages can be discovered in litigation. But at the same time, not everything that you post on social media is discoverable. Irrelevant information is not discoverable in litigation, even if the information has been posted online. But the rub is, when is something relevant or irrelevant?”

Insurance companies and their lawyers often take the position that everything online is discoverable, but Hester disagrees and fights their efforts to have unlimited access to his clients' online information. Hester's clients often take a narrow view of what is relevant – usually more narrow than that of the court system. The challenge is to disclose what is relevant while protecting the client's right to not disclose irrelevant information.

Disputes over the discoverability of social media are usually worked out, but sometimes it is necessary to have the court intervene. “If the insurance company insists on unlimited access to social media, then I don't hesitate to file a motion for a protective order and have the judge determine what has to be disclosed and not disclosed. The filing of a lawsuit does not give the insurance company carte blanche to my clients' social media.”

About McCelvey Hester, LLC

McCelvey Hester, LLC is a Colorado personal injury and insurance law firm that represents clients in Fort Collins, northern Colorado, and the Denver metro area. For more information please visit <http://www.hester-law.com>

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Email	Click to contact author
Phone	970-493-1866
Address	311 E. Mulberry
City/Town	Fort Collins
State/Province	Colorado

Zip 80524
Country United States
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