

Lawyers: Social Media is a Gold Mine for Damning Evidence

By Josh D. Simon Updated: February 04, 2015

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In April of this year, we published an article

about how, according to some marriage counselors, social media “tools” were contributing to marital breakdowns — because bored middle-age folks were using them to reconnect with former sweethearts.

Now, according to the Associated Press,

the American Academy of Matrimonial Lawyers (AAML) have added their influential voice to the “is social media good or bad for marriage”

discussion by pointing out that social media is a veritable gold mine for damning evidence.

So, just how much evidence is buried in them there social media gold mines? The AAML says that

a whopping 81% of its members have found court-worthy evidence from sources like Facebook, MySpace, Twitter, YouTube and LinkedIn. (By the way, Facebook wins the dubious race by supplying 66% of online divorce evidence.)

And

if those statistics weren’t shocking enough, here’s a sampling of some of the things that people have inexplicably posted about themselves in the social networking space —

information that has been enthusiastically grabbed by their spouse’s divorce lawyer:

- A mother denies marijuana use in court, but her wild, pot-filled Facebook photos prove otherwise.
- A husband claiming to have no anger management problems posts vulgar, threatening warnings on Facebook to “anyone who gets in his face.”
- A mom is found to be spending time in an online game with her boyfriend instead of out with her children.

And we saved the best one for last:

- A not-yet-divorced husband seeking custody of his children goes on a singles dating website and advertises himself as single and childless.

“You’re

finding information that you just never get in the normal discovery process — ever,” notes Leslie Matthews, a Denver divorce lawyer.

“People are just blabbing things all over Facebook. People don’t yet quite connect what they’re saying in their divorce cases is completely different from what they’re saying on Facebook. It doesn’t even occur to them that they’d be found out.”

And

it’s not just self-destructive things that divorcing people advertise on social media programs. They also (mis)use it to wage battles and smear campaigns against their hated spouse. “It’s all pretty good evidence,” states Linda Lea Viken, president-elect of the AAML. “You can’t really fake a page off of Facebook. The judges don’t really have any problems letting it in.”

While

Divorce Lawyers accept that, as Forrest Gump sagely advised: “**stupid is**

as stupid does,” they nevertheless offer these tips for divorcing folks who simply need a nudge in the direction of common sense:

1.Social media posts and

other content can and will speak for you in court. Make sure, if they say anything, that it’s putting you in the right light.

2.Choose your “friends”

wisely — and beware those who encourage you to trash talk your spouse, his/her family, or anything else that will weaken your case

3.Stay away — far, far

away — from cameras. Don’t let others take and upload photos of you doing something you don’t want the courts to see, and even more blatantly: don’t take photos yourself and post them. That picture of you surfing naked with a beer can wait (possibly forever).

4.Learn and utilize your

social media programs’ privacy setting. And don’t assume that privacy means privacy. Again, if it’s not something you would say in court, don’t put it online. Period.

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