

Can Social Media Affect Your Personal Injury Claim?

Social media posts are public property. Anything you post or are tagged on can be used by defense lawyers to refute your claim and get your case dismissed.

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-- Social media is getting to be an all-pervasive force. There's enough evidence to prove that what you post online can have a long-lasting impact on your offline life as well, including any personal or workplace injury claims you may have filed.

Cathy Wrench Cashwell learned this the hard way. She had been claiming \$4,000 as compensation from her employers for an injury she claimed happened at work and left her unable to sit, stand, or function normally. Little did she know that Facebook posts showing her lifting heavy furniture and zip lining with her husband would be used by defense attorneys to rescind her payments and sue her for fraud.

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Mistakes happen! We help clients who have suffered at the hands of hospitals, insurance companies and doctors.”

Ken Saffren, Partner

make a quick buck.



The point is social media posts are public property, even if you set your profile to the highest privacy settings. Anything you post or are tagged on can be used by defense lawyers to refute your claim and get your case dismissed. While not entirely fair, this tactic is commonly used by defense attorneys to prove that you either faked or exaggerated your injury to

Your Social Media Posts can be used to Refute Your Claims of Physical Injury

The entire point of filing a [personal injury claim](#) is to seek compensation for loss of future income or medical expenses due to a debilitating or grievous injury. It also holds injurer responsible for any emotional trauma and loss of quality of life the claimant says she suffered owing to the injury. While you and your attorney's aim would be to prove that the incident left you unable to function normally and deserves compensation, the defense attorney's job is to find evidence to prove the opposite.

And social media posts can be a rewarding hunting ground for defense lawyers. Innocent unintentional posts showing claimants indulging in physical activities can be used by defense

attorneys to prove that the claimant is not only having normal bodily functions but is also enjoying life.

Often, photographic evidence (images and videos) are taken out of context and used to refute plaintiff's claim that they have suffered physical injuries that should be compensated.

The Defendant's Attorneys can Use Your Social Media Posts to Discredit Your Emotional Distress Claims

When a personal injury claim is filed, the plaintiff not only seeks damages for physical injury but also for emotional trauma, depression, isolation, and stress that most claimants experience after the injury. Defense attorneys will comb through plaintiff's social interactions to prove that the claimant's emotional distress claim is hyped, inflated, or untrue.

Consider this example; if in the claim period you attended a celebration and posed for a few pictures, there's nothing wrong with that right? Now, it's almost an involuntary reaction to smile while posing and there's a distinct possibility that the celebration pictures will land up in somebody's social postings (worse still, you will be tagged in them). The defense attorneys are certain to use your happy pictures for discrediting your claim. This distortion of reality is quite worrisome for the legal system but is a harsh reality that all claimants should be wary of.

People often portray themselves in the best possible light on social media and end up playing right into their adversary's hands. This doesn't imply that you should post pictures of your injury or your suffering. These again can contradict what your physicians or attorneys have mentioned as the exact nature of your claim.

The best practice would be to refrain from all social media activity during the claim period. You may also request your friends and family to not tag or mention you in their posts.

Negative Posts about the Defendant can Spoil Your Case too

You may be feeling rightfully angry or downright furious when you suffer injury due to somebody's negligence or criminal intent, but ranting about it on social media, is a bad idea. You may be misconstrued as bitter, revengeful or "sue happy," which will be exploited fully by defense attorneys.

It's better to be Safe than Sorry

It's advisable to suspend all social media activity (posting, commenting, liking, etc.) till the claim is settled. Don't accept any new friend requests. Set your profile settings to private and ask your friends and relatives to do the same.

If you're very active on social media, it could be difficult to stay off of it, but it's better to be safe than sorry. Call us at (215) 576-0100 for a free phone consultation about your Personal Injury case.

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