Using the Internet & Social Media to Win Cases

The latest tips for mining and finding online evidence

With the rise of social media and other internet resources, it is more vital than ever that practitioners know where to locate web data and how to use that information during discovery, fact investigation, witness preparation, and jury selection. This program shows you how to avoid key pitfalls and discusses why you should search publicly-available information about your own clients and witnesses to avoid surprises. In addition, the panel of experts updates you on the ever-evolving ethical rules emerging in this important area. The session provides many examples, lists of available sites, and practical suggestions about organizing and analyzing the data to help you win your next case.

Agenda and written materials

▶ **Sources of Information**
Social media and other internet resources and evidence are exceptional communication and preservation tools that contain incriminating, exculpating, and impeaching evidence. The program begins with an overview of the sources and types of information available about your clients, opponents, experts, jurors, and others. You are provided with a useful checklist of social media websites you should be mining for information

▶ **Ethical Pitfalls**
Lawyers and judges are using social and other online media sites themselves to monitor witnesses, parties, and jurors, but there are ethical restraints on how such sites may be used. The panelists review the newly-emerging ethical rules you must be aware of when locating information from social media websites, researching witnesses, and investigating jurors—and the risk of malpractice if you fail to pursue this important source of evidence.

▶ **Discovery of Social Media and Other Internet Evidence**
Law enforcement and prosecutors are mining social media when investigating criminal activity to gain a wealth of information on witnesses, parties, and jurors. Social media should be a standard part of your discovery in most cases, whether civil or criminal. But it is not as easy to obtain as you might think. The panel's forensic expert walks you through the statutes and technology that complicate obtaining and using this evidence.

▶ **Using Social Media at Trial**
Jurors are bringing the Internet and social networking sites, such as Facebook, LinkedIn and Twitter, into the courtroom during trial, creating new challenges in controlling juror misconduct. The panel addresses the ways you can use social media to your advantage to craft themes and monitor jurors for potential misconduct.

▶ **Written Materials**
In addition to the list of websites, you receive cases, statutes, and other information you need to use social media in your cases.

▶ **"Ask the Experts" Q&A Session**