

Social networks give rise to Internet law specialty

November 8 2012, by Walter Pacheco

The next time you log into Facebook, Twitter or any other social media network, keep in mind that anything you post could be used as evidence in a lawsuit.

That's the message that experts in Internet [law](#), a complex and new emerging aspect of the legal profession, are trying to get across to [consumers](#).

Adam Losey, an attorney with Foley & Lardner's Orlando, Fla., office, runs the IT-Lex.org website, which explores issues concerning technology and the legal system. He says any number of things from a person's digital trail could possibly land them in a court.

"The information overload started hitting the tipping point around the new millennium," Losey said. "But that amount of information is staggering now that there are so many different ways people communicate on the Internet or electronically."

Losey is expanding his specialty through his website, in part by sponsoring annual writing contests with up to \$5,000 in cash for law students interested in pursuing technology law.

Losey, who served as adjunct professor at Columbia University teaching electronic discovery, lectures on technology law at his alma mater, the University of Florida, and at Florida A&M University's law school in Orlando.

"Getting lawyers involved in technology law is important for the field because rules defining e-discovery and other aspects of [Internet law](#) are constantly getting revamped," he said.

Avid Facebook and [Twitter](#) users post hundreds of images and comments on their personal social media sites. While users expect a certain level of privacy, social media sites are often very much open to outside inspection.

Insurance companies prowl the Facebook and Twitter accounts of clients who file accident and personal injury claims against them. Attorneys also monitor and download massive amounts of data from them and other Internet sites as possible evidence.

But a seemingly endless stream of electronic data also could - at least in some instances - cripple a case.

A federal judge in August dismissed charges against Armando Angulo, a fugitive Miami doctor indicted in one of the nation's largest cases against Internet pharmacies, in part because prosecutors said maintaining more than 400,000 documents and two terabytes of information was too expensive for the Drug Enforcement Administration.

"It's the most exciting time to be a lawyer because the law is struggling to keep up with changes in technology," Losey said. "In some cases, lawyers will help create laws based on the problems encountered with the developing technology."

In 2011, a U.S. Magistrate in the Southern District of New York approved the defendant's request to use technology-assisted review in a case involving labor disputes. The software searches thousands of electronic documents for information relevant to the case, reducing the time and money spent on gathering electronic discovery.

The stakes in cases involving defamation law can be much higher because of the worldwide reach of the Internet.

"The old rules still apply, whether the possibly defamatory comment is written in a letter, made in a phone call or posted on the Internet," said Fort Lauderdale, Fla., attorney Dana McElroy, a lawyer whose firm represents the Orlando Sentinel and the Sun Sentinel. "But now, the liability is potentially broader because of the jurisdictional issue. Those comments are accessed worldwide and stay online forever."

Miami attorney Tom Julin said, "It is critical for lawyers to understand how social media works and how the rules are because they will encounter it in their cases."

Some already are making lucrative careers from Internet cases, with many companies specializing in data mining for attorneys.

Some attorneys work to rebuild reputations soiled on the Web.

Their services produce large amounts of content about their client tagged with popular search keywords that Google will latch onto instead of embarrassing or negative information already on the Internet.

"There is so much written about [social media](#) and technology these days that I see a lot of attorneys boast about being experts on the subject on their websites," Julin said. "It's not clear to me that they are legitimate experts in that field, but there is certainly money to be made in it."

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