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Lunch N' Learn Teleseminar Series

Social Media: What You
Need To Know

DATES AND LOCATION

Social Networking Content
as Evidence: The Latest
January 13, 2010
12:00 p.m. - 1:30 p.m.
EDT/EST

Social Networking Content as Evidence: The Latest
January 13, 2010 12:00 p.m. - 1:30 p.m. EDT/EST

William McDowell, Lenczner Slaght Royce Smith Griffin LLP
James Morton, Steinberg Morton Hope & Israel LLP

The increased use of social-networking websites has given rise to several recent precedent-setting cases, with wide-ranging implications for litigation proceedings. Users of such sites may now be required to produce information from their profiles that is not publicly available, and then run the risk of being cross-examined on the nature of that information. As a litigator, it is imperative that you are up to date on these developments. These session leaders will discuss:

- Implications of recent case law
 - *Knight v. Barrat*, *Murphy v. Perger*, *Bagabus v. Atwal*,
Kent v. Laverdiere and *Leduc v. Roman*
- Production of documents found in social networking sites (ie. Facebook, Twitter, MySpace, personal blogs)
- Discoverability of access-limited documents
- How information found on social networking sites can be used in legal proceedings?
 - To attack credibility
 - Denigrate party's character
 - Dispute damages claimed
- Posted comments – threats? (*R. v. Sather*)
- The legal implications of publication bans and social networking sites (*R. v. J.S.R.*)
- Using log-in/log-out records in litigation proceedings (*Bishop (Litigation Guardian of) v. Minichello*)
- Deleting profile before production – spoliation and 3rd party production
- How to get access to information on social networking sites
 - Issues with private vs. public profiles