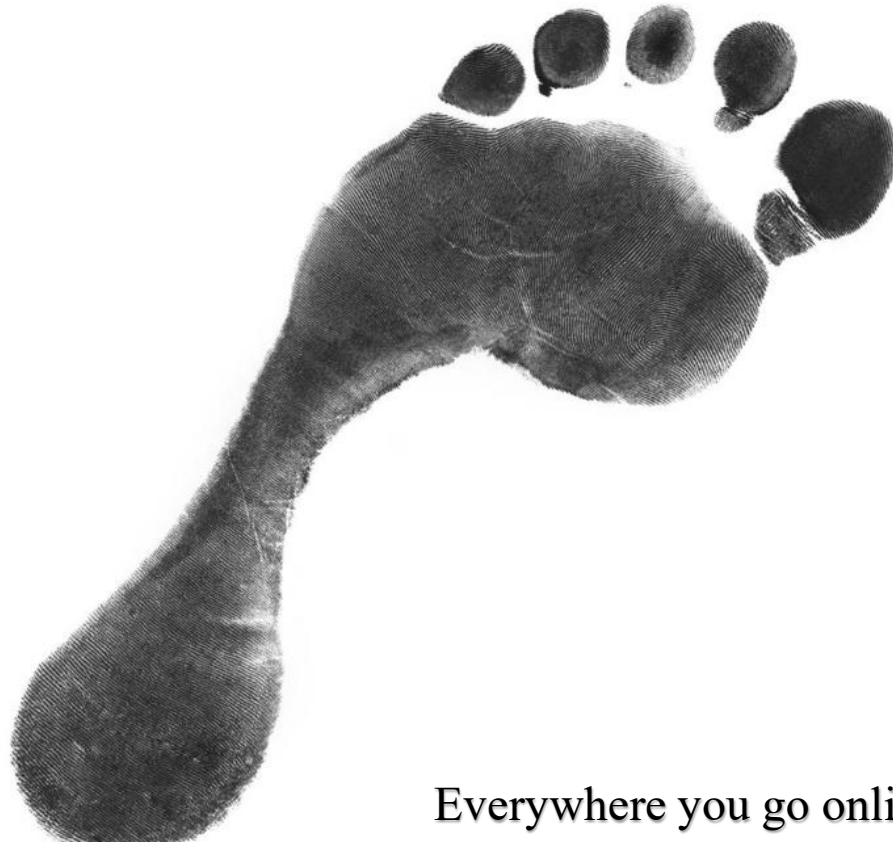




Digital Footprints

Sara Schramm

Blasingame, Burch, Garrard & Ashley, P.C.



Everywhere you go online leaves a footprint.

Digital Footprint



nicole @_nicoleesierra · Aug 13

Six Flags with my man was LIT 🎡 🎢 🚩 ⭐



1 1 49

Does your client's online footprint align with their testimony?

- Did they say they were one place, and check in online somewhere else?
- Did they say their injury kept them immobile, but someone else posted a photo of them mowing their lawn during that time frame?
- Is their testimony that they were too injured to enjoy life, yet even though they avoided posting things on Facebook, they managed to Tweet a photo on their private account and tag Six Flags?

Discovery Responses and Deposition Testimony



Send your Client a Spoliation Letter and be available to Counsel Your Client

W. SEABORN ASHLEY
1947-2001

J. RALPH BEARD
1925-2014

E. DAVISON BURCH
of counsel

LEANNA B. PITTARD
of counsel

GARY B. BLASINGAME

HENRY G. GARRARD III

ANDREW J. HILL III

THOMAS H. ROGERS JR.

MICHAEL A. MORRIS

JAMES B. MATTHEWS III

RICHARD W. SCHMIDT

EVAN W. JONES

GEORGE W. BROWN III

DAVID A. DISMUKE

MOLLY K. TALLEY

JOSH B. WAGES

THOMAS F.
HOLLINGSWORTH III

ALVIN L. BRIDGES

LEE S. ATKINSON

MICHAEL RUPPERSBURG

PATRICK H. GARRARD

SARA E. SCHRAMM

THOMAS J. JEFFORDS

HALEY C. ROBISON

P.O. Box 832
Athens, Georgia 30603
440 College Avenue, Suite 320
Athens, GA 30601
Phone 706.354.4000
Fax 706.353.0673

1021 Parkside Commons
Suite 104
Greensboro, GA 30642
Phone 706.453.7139
Fax 706.453.7842

PLEASE REPLY TO
ATHENS ADDRESS

Sara E. Schramm
E-mail address: sschramm@bbga.com

April 25, 2018

<! [CA-PRIMARY-PL-ADDRESS-BLOCK] !>

ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

Dear <! [PL-PREFIX] !> <! [PL-LAST-NAME] !>:

We appreciate the opportunity to review your potential product liability claim.

Please remember: Do not post any new information related in any way to your claim, injuries or to the litigation generally on any social media or internet site, even if that site is "private" or only shared with friends and family, or even if you are commenting or posting in a "members only" chatroom or website. Any information that is currently posted or otherwise available on the internet should be preserved even if you change your privacy settings.

If you have any photographs or videos showing yourself engaged in any physical activity (exercise, running, swimming, biking, hiking, skiing, etc.) at any time since the date of your mesh implant, you should preserve and not delete those photographs. Please refrain from discussing any aspect of your claim, your injuries or the litigation on any social media forum, chat rooms or online forums.

Please remember also that it is important for you to keep us up-to-date regarding any changes in your medical or health status. It is also important for you to let us know if you have moved, or if you have changed any of your contact information.

Of course, you may contact us at any time to talk to us about your claims. If you have questions, please call **Connie Adams** or **Julia Wright** toll-free at **1-866-354-3544**.

With kindest regards, I am

Very truly yours,

/s/ Sara E. Schramm

Sara E. Schramm
SES/tmy

Consider
all Popular
Social
Media Sites



snapchat



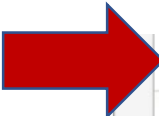
Less Obvious Media Sites



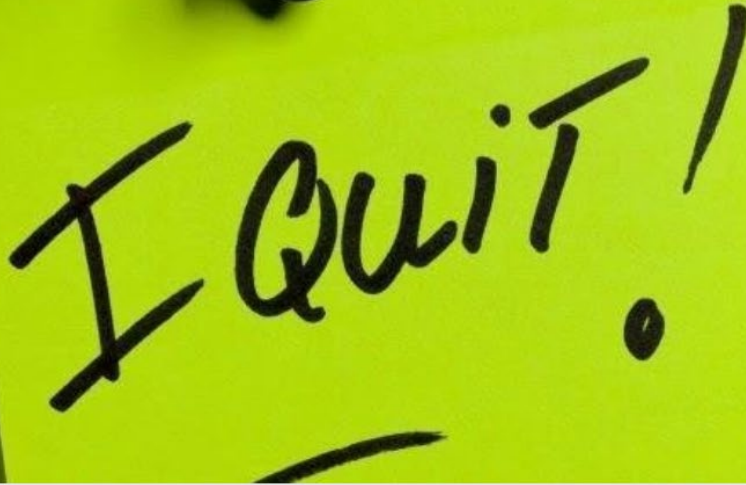
Commenting: another opportunity to counsel your client

- Leaving reviews on sites like Amazon, Yelp, or Google
- Commenting on news websites
- Checking into restaurants, bars, or clubs on Facebook and Instagram
- Checking in or leaving reviews on FourSquare or Facebook





Sean Lehnherr likes this



People do not quit companies, managers, or leaders – they quit organizational cultures. Here's why.

christielindor.blogspot.co.at

25,634 Likes · 1,245 Comments

 Like  Comment  Share

Be Aware of Cross-Referencing

Your client is a manager for a business

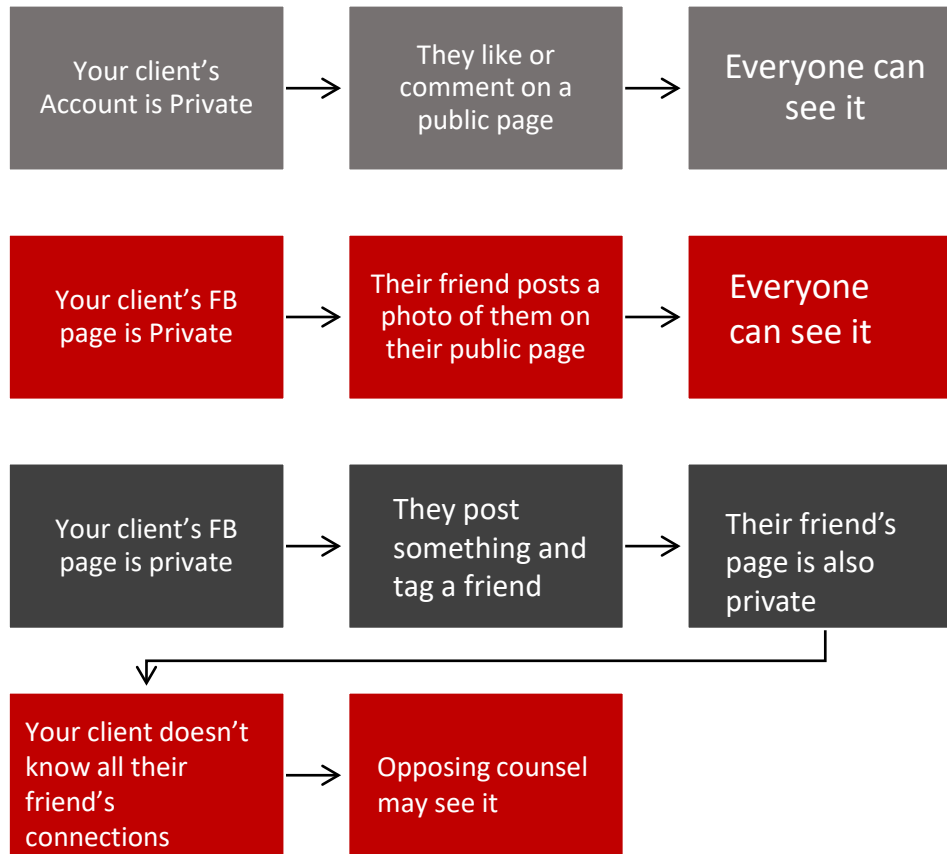
An employee is fired or let go

The former employee becomes disgruntled and likes (or comments on) an article titled “Good workers don’t leave companies, they leave bad managers”

-- or they post negative comments about the business or your client

Opposing counsel can see this.

Cross-Referencing



Counsel Your Client

It's Important to Keep the Following in Mind

- Untagging yourself does not delete the photo from other people's pages.
- Deleting a Facebook post doesn't necessarily mean it's gone forever. It can still show up in people's news feeds long after it's been deleted from a page.
- Your client may post something and delete it, but not before someone saves it to their phone or screenshots it as evidence.
- HTML information is available at the click of a button. If opposing counsel needs a timestamp or to see who is liking what, all they have to do is right click on a post and click "view page source" on a desktop computer.

What will opposing counsel learn about your client?



It's Important to Keep the Following in Mind

- Just because a page is private, doesn't mean there is no online footprint.
- When someone joins, posts, or comments on a public group page, it can be seen by anyone.
- When someone joins, posts, or comments on a private group page, there may be members they are unaware of who can see their activity.
- Remember – all online activity has the potential of being seen. Snapchat posts can be screenshotted, Tweets retweeted, Facebook posts shared, Blog posts saved, and comments recorded.
- Setting privacy controls is important, but not foolproof, so clients need to be reminded to **ALWAYS** think before they post, like something, tag someone, or comment.



BLASINGAME › BURCH
GARRARD › ASHLEY, P.C.

Questions or comments?

Jury Selection



Michael Ruppensburg

Blasingame, Burch, Garrard & Ashley, P.C.

Would You Sue?

If you or a loved one were seriously injured or killed due to the negligence of another, would you sue?

Instructions

Has anyone bought a product that came with instructions on how to put it together?

Safety Rules & Regulations

Does anyone have a job where you are required to follow safety rules & regulations?

Work Experience

- **Construction**
- **Electrical Industry**
- **Operated cranes or digger-derricks**
- **Experience or training in rigging**
- **Job requires loading & unloading**

Burden of Proof

Plaintiff must prove case by preponderance of evidence, or more right than wrong.

Does anyone have any concerns with the burden of proof?

Responsibility

How strongly do you agree or disagree with this statement?

When a person or business negligently injures another person, they should be held responsible for the harm they cause.

0 1 2 3 4 5 6 7 8 9 10

Strongly Disagree

Strongly Agree

Responsibility

Do you agree with this statement?

Even if the evidence supported it, I could not hold a person or business responsible for negligently injuring another person.

Responsibility

The law allows businesses to be held responsible for the negligence of their employees.

Do you agree or disagree?

Injuries

**Has anyone had a “terrible triad”
injury to their arm or know someone
who has?**

Injuries

Has anyone been injured because of someone else's negligence or have a family member or close friend that has?

Personal Injury Lawyers & Lawsuits

How do you feel about personal injury lawyers and personal injury lawsuits?

0 1 2 3 4 5 6 7 8 9 10

Very Negative

Very Positive

Personal Injury Lawyers & Lawsuits

Does anyone feel negatively about personal injury lawyers or personal injury lawsuits?

Number of Lawsuits

Do you agree or disagree with this statement?

We have too many lawsuits and the law should be changed to limit the number of lawsuits.

Personal Injury Claims & Lawsuits

Has anyone filed a personal injury claim or lawsuit?

Personal Injury Claims & Lawsuits

Has anyone been a defendant in a personal injury claim or lawsuit?

Compensation For Injuries

How strongly do you agree or disagree with this statement?

If the evidence supports it, I would award money as compensation for injuries.

0 1 2 3 4 5 6 7 8 9 10

Strongly Disagree

Strongly Agree

Compensation for Injuries

The law allows money as compensation for injuries.

Do you agree or disagree?

Compensation For Injuries

Do you agree with this statement?

Even if the evidence supported it, I could not award money as compensation for injuries.

Lost Income

The law allows an injured person to be compensated for their past and future lost income.

Do you agree or disagree?

Pain & Suffering

How strongly do you agree or disagree with this statement?

If the evidence supports it, I would be comfortable awarding a large amount of compensation for pain & suffering

0 1 2 3 4 5 6 7 8 9 10

Very
Uncomfortable

Very
Comfortable

Pain & Suffering

The law allows an injured person to be compensated for his pain and suffering.

Do you agree or disagree?

Pain & Suffering

If the evidence supports it, would you have any problems awarding a large amount of compensation for pain and suffering?

Pain & Suffering

Do you agree with this statement?

Even if the evidence supported it, I could not award money as compensation for pain and suffering.

Amount of Verdict

Do you agree with this statement?

Even if the evidence supported a verdict of millions of dollars, I could not award that much money

Amount of Verdict

Preponderance of evidence also applies to amount of verdict.

Does anyone have any concerns with the burden of proof?

Email sschramm@bbga.com for an Excel Spreadsheet jury selection example



BLASINGAME › BURCH
GARRARD › ASHLEY, P.C.

Questions or comments?
