



THE BASSETT FIRM
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Passion. Preparation. Persistence.

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THE BASSETT BULLETIN™

MYSPACE.COM

“**O**ne way or another, I’m gonna find you, I’m gonna getcha, getcha, getcha getcha...”

These lines from Blondie’s hit song have never rung so true as in today’s legal discovery process. Never before have we had so many avenues of finding, investigating, and/or even spying on someone as we do now with the power of the Internet.

Social networking web pages like MySpace (www.myspace.com) have become flooded with folks, young and old, eager to showcase their interests and ideals. What these users do not know is that their own actions can potentially become a treasure trove of incriminating evidence in a claim or a lawsuit.

In a nutshell, a “MySpace” web page is a free website that allows users to design their own page with their own MySpace web address. On this page, users can display photos and videos, upload their favorite songs, send and receive comments from other users, and write their own blogs, articles or journal entries in a web log-based format (the term “blog” is derived from “web log”). Essentially, the users can design their page to express themselves to the world in a multi-faceted capacity.

But what happens when that person becomes your client? Or the adverse party in your lawsuit?

HOW YOU CAN UTILIZE IT

We recently worked on a case involving a teenager who was injured after being in an accident with our client.

During the discovery process, we found that the Plaintiff had a MySpace page. The Plaintiff put up multiple photographs of partying, drinking alcohol (the Plaintiff was underage), and risqué poses. Additionally, we were able to investigate the Plaintiff’s friends’ sites (via links on the Plaintiff’s page) to uncover even more photographs and comments that the Plaintiff had written. MySpace provided us a rare glimpse into a side of the Plaintiff’s life that ten years ago we would have never seen.

Although there was no relevant evidence linking the Plaintiff’s behavior to the accident, the photographs posted could have hurt the Plaintiff’s credibility and claims for mental anguish in front of a jury (and probably the Plaintiff’s parents). Conversely, the photos might have bolstered our argument

that, although injured in the accident, the Plaintiff was able to recover and maintain a normal adolescent lifestyle.

While not everyone, at least not yet, has a MySpace or other social network page, it can be a cheap and valuable discovery resource. Here are a few tips should you find yourself in a claim or litigation where you think a MySpace search might be helpful:

1. Find out as much as you can about the individual you are researching. Knowing someone's full name, e-mail addresses, and city of residence can be a great start in finding someone on MySpace.
2. Find out what high school the individual is from. MySpace has a filter feature that allows you to find people that graduated in a given year or range of years from a multitude of schools.
3. Google. Google can also be a great search tool for finding people on MySpace. Try typing in the person's name in quotations and then adding the word MySpace.
4. If you find someone, dissect their page; look at every photo, read every comment left by a friend or other user, and read every blog.

If you are lucky enough to get results from your search, the first step is to ensure that you have the correct person.

It is a little more difficult when an individual has a common name. Try to extract as much information up front from the individual you are investigating, to avoid investigating the wrong individual.

If you cannot find any useful information from your target's website, try scanning their friends' MySpace pages. You may find extra pictures or even comments that your target has left for their friends.

Should you find incriminating information on your *own* client, we would recommend that you advise them to immediately pull down anything that could be used against them. For instance, if your client claims he has a lower back injury from an accident, but has photographs on his website showing him power lifting, you need to know about it. A few hours' worth of searching could help you weed out potential disasters or pitfalls while saving you both time and money.

CONCLUSION

Utilizing the internet and websites such as MySpace is a very inexpensive, but powerful, tool to investigate an individual. Now, not everyone will post on sites such as MySpace, but if they do, you might be amazed at what you can find.

Remember to leave no stone unturned. If you look hard enough, you just might find the gold nugget that will have you singing right along with Blondie.

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