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Re: **SOCIAL NETWORKING SITES**

Dear Client:

Now that you have an appeal pending before the Board of Industrial Insurance Appeals, a caution is in order. If you belong to a public social networking account such as Facebook, MySpace, YouTube, Twitter, Google Buzz, etc., we recommend that you close it until your case is completely over.

If you choose not to close your accounts, we warn you to use great caution. Whatever you write or post, or have written or posted, will probably fall into the hands of your employer or the Department of Labor and Industries. It is now standard practice for them to run computer searches and investigations to obtain information about your personal life. They will try to obtain it without your knowledge and permission. Increasingly, they will demand that you provide them with your account passwords. They will also ask the Board or court to order release of your password information.

If you have such a site, you should immediately verify that all your settings are on PRIVATE (the highest setting possible) and nothing is public. Even with the highest privacy settings, you should only write or post items that cannot be used to hurt you. These sites are open to the public. The law is unclear if or to what extent privacy laws apply. Our best advice is that you take down your sites until your case is over.

We understand you may decide to keep your site(s). If so:

**Do Not...**

- Allow anyone to become a "friend" on a website like Facebook unless you are absolutely sure you know that person.
- Post any photographs or video of yourself (or enable others to "tag" you).
- Write or disclose anything about your personal life that you would be embarrassed to have an opposing attorney use against you in front of a judge or jury.

- Send e-mails regarding your case to anyone except your attorneys.
- Send texts regarding your case to anyone except your attorneys.
- Participate in blogs, chat rooms, or message boards.

We have seen an increase in electronic surveillance of these types of accounts and sites by opposing attorneys. They hope to discover information to embarrass, humiliate or hurt you. They will look for pictures or comments by you or your friends that they can take out of context to prove that your injury is exaggerated or false. We have seen innocent, harmless joking between private “friends,” used and distorted to try to convince a judge or jury that a plaintiff is dishonest. Asking you to limit your social networking is a great inconvenience. But your case is very important.

Finally, our law firm and staff members do use social media. Our policy is not to “friend” our clients until the legal case has concluded. This is because we are in an Attorney-Client relationship with you and need to establish clear boundaries to protect this relationship as long as your case is active.

If you have any questions or concerns about this, do not hesitate to contact our office.

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