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4. May I advise my client as to what to post on social media?
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6. Should I monitor my client’s use of social media during the case?

Appendix of State Ethics Advisory Opinions

Social Sleuthing and Discovery

QUESTIONS
1. What is informal social media discovery?
2. What are the primary legal ethics rules that pertain to informal social media discovery?
3. May I review an opposing party’s social media accounts?
4. May I contact an opposing party by connecting or friending him on social media? If the answer is yes, what is the proper procedure for doing so?
5. I’m suing this company for employment discrimination, and I’m sure many of my client’s former co-workers who are still there have some good dirt on the employment practices at their firm. A number of them are on Facebook. May I ethically reach out to them via social media?
6. May I review a witness’s social media accounts?
7. May I contact a witness through social media? If the answer is yes, what is the proper procedure for doing so?
8. Do the contact rules for the opposing party or witness differ if I have a law clerk or paralegal engage in the contact?
9. Is it permissible to review an opposing party or witness’s social media postings that are behind a privacy wall if my client, a witness, or an employee at my firm has been connected on social media to the opposing party or witness prior to the incidents that are the subject of the current lawsuit?
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7. Do judges restrict online research of jurors?  

8. Do some courts have identifiable rules for researching jurors?  

9. Have any ethics opinions addressed online juror research, and what kind of guidance has been provided?  

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Through the Prosecutorial Looking Glass:  
Prosecutors, Ethics, and Social Media

**QUESTION**

1. I’m an assistant district attorney, and our office uses social media quite a bit, including for researching incriminating posts by defendants. But are there any ethical danger areas of which we should be aware?  

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“Friends” with No Benefits? Judges, Legal Ethics, and Social Media

**QUESTIONS**

1. I have an important hearing coming up and when I looked up opposing counsel’s Facebook page, I saw that among her “friends” is the judge in our case. Is this ethically permissible? Should I file a motion to recuse?  

2. I found out that the judge in one of my cases is a Facebook friend of a family member of one of the parties. Is this grounds for recusal?  

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