

§ 8.6

Social Media

Turning the Tables

Up to this point we have pointed out the risks of using social networks. Most of this advice was in the form of career advice. During an investigation, though, social networks can be great sources of leads and evidence. It is amazing what some people will post online, from *Instagram* to *Pinterest* to *Twitter*, the attitude of many seems to be that free speech means anything is permitted without repercussions. That misstates the facts. Speech is generally protected, but the content of that speech is fair game for determining whether criminal conduct or civil wrongs have occurred.

The most valuable social network for an investigator is *Facebook*. If you are able to view the subject's page (legally and ethically) it may provide comments relevant to the matter in question, pictures that may shed light on relevant issues, and may also detail contacts that can act to expand your investigation.

§ 8.7

Remote Working

How to Investigate in a Remote Working Environment

How do law firm personnel conduct investigations if they are working remotely? If remote working becomes the "new normal," either by circumstance or by choice, some issues should be considered. There is good news and bad news.

GOOD NEWS

- *Interviews*
Investigative interviews can be taken on video or, if absolutely necessary, over the phone. As mentioned previously, it is imperative that any conversation take place in a private environment, and you should use headphones to maximize confidentiality. You should also strongly encourage the person being interviewed to find their own private location, especially if the other person is the client.