

# ETHICS OF SOCIAL MEDIA

Jason S. Boulette

**BOULETTE GOLDEN  
& MARIN L.L.P.**

1

## Overview

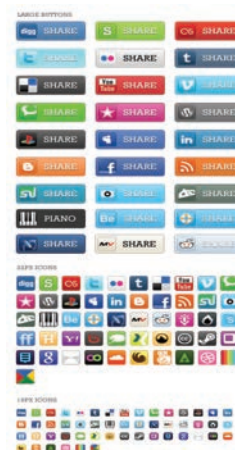
### 1. Self-help discovery

- Disciplinary Rules
- SCA
- Constitution
- Public Policy

### 2. Formal discovery

- Social media not immune
- Threshold showing req'd
- SCA compelled consent

### 3. Admissibility



**BOULETTE GOLDEN  
& MARIN L.L.P.**

2

# Internet = Public

3

## Man tweets for weed; job goes up in smoke

By **Chandler Friedman** and **Dorrine Mendoza**, CNN  
updated 7:45 AM EDT, Thu August 15, 2013 |



25 RETWEETS 17 FAVORITES

Trying to get weed delivered to your workplace is probably not the smartest thing to do.

### STORY HIGHLIGHTS

Tweeting for pot costs man his

(CNN) -- *Note to self*. When soliciting for drugs on Twitter, try a direct message.

**BOULETTE GOLDEN  
& MARIN L.L.P.**

3

# Internet = Public

4

## Job applicant outraged after company shares her bikini photo on Instagram as 'PSA': 'This is not doing you any favors'

ALEX LASKER, IN THE KNOW  
Oct 2nd 2019 1:10PM



## An intern applicant says a marketing company posted her bikini photo on Instagram in an attempt to shame her

Kelly McLaughlin Oct 2, 2019, 1:03 PM



**BOULETTE GOLDEN  
& MARIN L.L.P.**

4

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: Ethics of Social Media

Also available as part of the eCourse

[2019 Advanced Patent Law \(Austin\) eConference](#)

First appeared as part of the conference materials for the  
24<sup>th</sup> Annual Advanced Patent Law Institute session  
"Ethics of Social Media"