

The Use of Social Media by Insurers to Discredit Personal Injury Claims

by Jacob W. Gent, Attorney at Law



There is no question that the internet is an integral part of our everyday lives in the 21st Century. It has changed the way we communicate and do business in countless ways, from online shopping to avoid the holiday crowds, to online banking to handle our personal and business finances. It used to be a person could surf the web with a fair degree of anonymity. That is no longer the case. “Most people are still under the illusion that when they go online, they’re anonymous,” says Nicolas Carr, author of *The Shallows: What the Internet is Doing to Our Brains*. In reality, “**every move** they make is being collected into a database.”

This stored information can be retrieved and/or distributed, either lawfully by fine print terms contained in service contracts, or illegally by hackers, investigators, or rogue employees looking to make a quick dollar. It is also being gathered by data aggregators who sell it to advertisers, banks, and insurance companies.

The most potentially harmful data mining for these purposes is happening in places that have become everyday interaction sites for millions of people like MySpace, Classmates.com, LinkedIn, and Facebook. These and a host of other social networking sites are a great way to find and stay connected with friends, colleagues, and loved ones. They are also a virtual treasure trove of personal information, for better or worse, related to a personal injury claim.

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What are the insurance companies and their lawyers doing with this information? They are using it to set premium rates based on where you live and what kind of lifestyle you lead. They also use this information as another tool to delay, limit or deny an injured person’s access to medical care and benefits to which they are legally entitled.

Take Facebook alone: Statistics show an average user will create 90 pieces of new content each month. This includes status updates, personal photographs, conversations between users, posts to profiles of other users, names (and profiles) of relatives and friends, personal relationship status, education and employment history, and when they’ve added new “friends” or “likes.” Many people are posting this information without a thought as to who will view it later.

We learned recently that a 21 year old woman lost her case involving a traumatic brain injury when opposing counsel discovered photos she had posted on a social media site of her going out socially and applying for jobs (both activities recommended by her doctors, but were taken out of context and used against her).

All of this information was readily accessible without even being his “friend!”

It is important the public be aware of the risks of disclosure of private, personal information in order to better protect their rights.

The lesson here is simple: Think twice before posting and be very careful about the amount and content of information you provide anywhere online. And be aware of what your friends are posting about you! This information will be taken out of context and spun in ways that can result in the delay or denial of legitimate claims. ♦



Welcome Jacob W. Gent

We are excited and delighted to re-introduce to you Mr. Jacob W. Gent, a long-time team member at Adler Giersch ps. Since 2002, Mr. Gent distinguished himself as the law firm’s Case Manager and his interest in attending law school.

In 2006, Mr. Gent decided to take protecting and defending the rights of injured individuals to a higher level. He packed his bags and moved across the county to Harrisburg, Pennsylvania to begin law school at Widener University. He attended classes at night while continuing to work part-time for Adler Giersch ps as its Case Manager (many thanks to email, fax, scanner, and cell phone). Even more impressive, Mr. Gent completed his four-year evening law program in just three years before returning to the Northwest.

Special arrangements were made by Mr. Gent’s mentor and the law firm’s principal, Richard H. Adler, to be sworn into the Washington State Bar in a private ceremony at Washington’s Supreme Court with two colleagues serving as Justices of the Court. On October 25, 2010, Mr. Adler stood at the Supreme Court podium and introduced Mr. Gent to Justice Tom Chambers, who administered the Oath of Attorney, and Justice Debra L. Stephens, who delivered a welcoming message setting a clear expectation that Mr. Gent do great things with his license. In attendance were Mr. Gent’s parents from Illinois, a few close friends, and colleagues from Adler Giersch ps.

Mr. Gent will now make his way to the law firm’s Everett office to practice alongside Mr. Adler. “It’s an exciting time for me and the law firm. It’s truly a dream come true for me and my family. I look forward to building on Adler Giersch’s top-tier reputation in protecting and defending the rights of those with traumatic injuries and becoming a strong advocate in the community,” said Mr. Gent. Mr. Adler states, “We are all looking forward to Mr. Gent adding his mark to the firm’s core principles of providing the highest quality legal representation and leveling the playing field with insurers while providing compassion and legendary service for our clients.”

Adler Giersch ps has served the Everett community since 1993. The firm’s Everett Office is located
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Welcome Jacob W. Gent

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at 4204 Colby Avenue just a few blocks off the 41st Street Exit of I-5.

Born and raised in central Illinois, Mr. Gent moved to Seattle in 1994 after receiving a Bachelor of Arts in Theatre from Eastern Illinois University. Before working as a claims representative for Farmers Insurance Group, he worked as an actor, stage manager, and director at several theaters throughout the Puget Sound region.

Please join us in welcoming and congratulating Mr. Jacob W. Gent with an email to him at jgent@adlergiersch.com. ♦

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Calendar

January 25, 2010 Richard H. Adler and Dr. Stanley Herring will present "Management of Sports Concussion Injuries with Special Reference to the Zackery Lystedt Law" at Seattle Spine & Sports Medicine's bi-monthly seminar. This event is open to healthcare providers, therapists, case managers, and attorneys.

February 5, 2011 Jacob W. Gent and Arthur D. Leritz will present "Lessons from the Dark Side: How Insurers Attack Healthcare Records and Patient Bills to Deny Treatment," at an educational workshop in Marysville, Washington.

March 5, 2011 Richard H. Adler is an invited speaker at the 9th Annual Pacific Northwest Brain Injury Conference Sponsored by the Brain Injury Association of Oregon. Mr. Adler will present successful strategies in representing survivors of traumatic brain injuries and their families.

March 24, 2010 The attorneys of Adler Giersch PS will present a day long workshop, *Effectively Managing Your Personal Injury Cases*, to healthcare professionals at the Bellevue Club Hotel.

March 26, 2010 Richard H. Adler and Daniel Murphy, DC, DABCO, a nationally renowned chiropractor, will join together for their 21st annual *Whiplash, Spinal Trauma, and the Personal Injury Case Seminar*. This 11-hour continuing education course focuses on medical-legal-insurance aspects of rehabilitation and personal injury cases. The event will be at held at the Bellevue Club Hotel.

Reaching Out Nationally

Richard H. Adler, Attorney, was an invited speaker by the Brain Injury Association of America at their State Affiliate Conference on December 1, 2010 in Dearborn, Michigan. Speaking to a packed room of state directors and other officials, Richard presented on the initiatives, support, and resources to pass Washington's Lystedt Law in other states and discussed the recent collaboration with the National Football League. Currently over 10 states have passed Lystedt-type legislation. As a result of this presentation legislative drives have begun in Florida, Nebraska, Kansas, Indiana, California, Wyoming, Utah, and New York. Other states are likely to kick off their campaigns in 2011. ♦

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