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May 12, 2022

Admitting Social Media Evidence in Employment Litigation: Overcoming Authentication, Relevance, and Hearsay Challenges

The abundance of personal information easily accessible on social media websites has altered how employment litigators investigate and try cases. Recent case law confirms that social media content plays a critical role during discovery and trial.

While the sources of social media evidence are plentiful and social media evidence is easy to obtain, getting the evidence admitted at trial poses unique challenges. Courts are inconsistent in addressing authentication issues regarding electronic evidence, creating questions and gray areas for employment litigators.

Employment counsel also face obstacles to the admission of social media evidence on reliability concerns and the hearsay nature of the evidence from social media websites. Further, employment litigators must consider the legal ethics of using arguably private information to help prove or defend their cases.

Listen as our authoritative panel of employment litigators discusses the legal, practical, and ethical implications of gathering social media evidence during discovery and then using it at the trial of employment lawsuits.

Authors