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#CaughtOnSocialMedia
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Courts have addressed the discoverability of social media posts; however, the new trending issue is the admissibility of such posts, specifically regarding their authenticity. Recently the Supreme Court of Delaware issued an opinion regarding the authenticity of social media posts. In Parker v. State of Delaware, 85 A.3d 682 (2014), the Court held that social media posts that were purported to be authored by the defendant-appellant were appropriately authenticated by circumstantial evidence. Although this is a criminal case, it discusses two different approaches for authenticating social media posts, which can either be beneficial or detrimental to employers who seek to use such evidence in litigation.