STATUS UPDATE: DISCOVERY IN THE WORLD OF SOCIAL NETWORKING

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STATUS UPDATE:

DISCOVERY IN THE WORLD OF SOCIAL NETWORKING

I. THE DEVELOPING WORLD OF SOCIAL NETWORKING

> "The Internet has opened new channels of communication and self-expression . . . Countless individuals use message boards, date matching sites, interactive social networks, blog hosting services and video sharing websites to make themselves and their ideas visible to the world. While such intermediaries enable the user-driven digital age, they also create new legal problems."

Fair Housing Council of San Fernando Valley v. Roomates.Com LLC, 489 F.3d 921, 924 (9th Cir. 2007).

The Internet has redefined how individuals interact. However, how such interactions may impact litigation is currently unknown and subject to much speculation. Websites such as Facebook, Twitter, MySpace, Friendster, Classmates.com, Match.com, YouTube, and others seemingly spring up overnight and, in some cases, disappear as quickly. Facebook, for instance, began as a networking site for Harvard students but was open to the public in 2006, growing to more than 300 million users. Fifty percent of Facebook users log on every day. The average user has 130 "friends."

Twitter began operations in 2006 and has more than 200 million users. Twitter allows users to "tweet" messages of 140 characters or less. Tweets are publicly visible but users can restrict viewing to their followers.

Both Facebook and Twitter have been instrumental in recent revolutions and civil uprisings in the Middle East, being used to organize protests in Egypt, Tunisia, Iran and Libya. China blocked access to Facebook and Twitter after riots occurred in 2009.

Nearly 60 percent of Internet users have a profile on a social networking site. It is clear that social networking will continue in some form and its impact on society will grow. As social networking

develops, issues of what is and what is not discoverable will increase. Thus far, there is no clear consensus on how to obtain social networking information through discovery, although there are some general guidelines this paper will address.

II. DISCOVERABILITY AND EVIDENTIARY ISSUES OF SOCIAL NETWORKING

A. Admissibility of Online Digital Information

1. Relevance

Despite the unique quality of online digital information, the common discovery rules still apply. To be admissible, online digital information or statements contained in an online profile must be relevant, authentic, and not excluded as hearsay. There are some additional requirements for digital information, however. These additional requirements will be discussed below.

Discovery under Federal Rule of Civil Procedure 26(b)(1) is very broad, making discoverable "any nonprivileged matter that is relevant to any party's claim or defense . . . ." The test for relevance is whether "there is any possibility that the information sought may be relevant to the subject matter of the action."

Relevance will vary depending on the facts of the case. For instance, in *Mackelprang v. Fidelity Nat'l Title Agency of Nevada Inc.*, 2007 U.S. Dist. LEXIS 2379 (D. Nev. 2007), a sexual harassment case, the defendant was entitled to discovery of the plaintiff's MySpace pages and instant messages relevant to sexual harassment, emotional distress, and mental state, as they were all relevant to the plaintiff's claims. However, the defendant was not entitled to learn about the plaintiff's private sexual conduct on the theory that she was engaging in extramarital sex through her contacts on MySpace. The defendant failed to show a relevant basis for obtaining such information. As in standard discovery, parties are not allowed to engage in a "fishing expedition."

Likewise, in *McCann v. Harleysville Ins. Co. of N.Y.*, 78 A.D.3d 1524 (N.Y. App. Div. 2010), the defendant sought to compel the plaintiff to produce photographs and to sign an authorization for the plaintiff's Facebook account information. The court denied the motion to compel because the defendant failed to establish any factual predicate for relevancy. Instead, the defendant was engaged in a "fishing expedition" on the mere hope of finding relevant evidence on the plaintiff's Facebook page. The court noted the defendant was free to seek such discovery at a future date if information came to light which made the plaintiff's Facebook page relevant.

In *Bass v. Miss Porter's School*, 2009 U.S. Dist. LEXIS 99916 (D. Conn. 2009), the defendant sought documents related to the alleged teasing and taunting through text messages and on Facebook as well as all documents representing or relating to communications between the plaintiff and anyone else related to the allegations in the plaintiff's complaint. The plaintiff obtained his Facebook profile and postings from Facebook, then produced a small portion. The court conducted an *in camera* inspection of the rest of the documents. Noting that Facebook usage depicts a snapshot of the user's relationships and state of mind at the time of the content's posting, the court determined that relevance of Facebook content is "in the eye of the beholder" and the plaintiff should not be allowed to determine what may be relevant. Further, there were items that had not been produced that were "clearly relevant." Therefore, the court allowed the defendant to have the entire Facebook file.

Thus, based on the foregoing opinions, to obtain digital information, the requesting party should limit the request to information which is relevant to its claims or defenses and not merely serve a blanket request for all online networking pages, sites, posts and emails.

2. Authenticity

With regard to authenticity, the courts have yet to develop a set of rules for authenticating electronic data. One court has noted that electronic communications are no more or less authentic merely because they are digital. "A signature can be forged, a letter can be typed on another's typewriter; distinct

letterhead stationery can be copied or stolen." *In re F.P.*, 878 A.2d 91, 95 (Pa. Super. Ct. 2005). "[W]e see no justification for constructing unique rules for admissibility of electronic communications such as instant messages; they are to be evaluated on a case-by-case basis as any other document to determine whether or not there has been an adequate foundational showing of their relevance and authenticity." *Id.*

Authenticity is a difficult issue with regard to electronic data. One must establish that the person responsible for the posting and the person identified as posting that information are the same person. *United States v. Jackson*, 208 F.3d 633 (7th Cir. 2000). The first step, in other words, is to establish that the social network account is actually the plaintiff's. Such verification may be difficult to establish and failure to do so could lead to harmful results.

For example, in a custody dispute case, the father was able to obtain sole custody by showing the court malicious emails his ex-wife had been sending him. It was later discovered that he had set up a fake account in his ex-wife's name and sent the emails himself. The father lost custody and criminal charges ensued.

"[O]ne must demonstrate that the record that has been retrieved from the file, be it paper or electronic, is the same as the record that was originally placed into that file." *American Exp. Travel Related Servs. v. Vinhnee*, 336 B.R. 437, 444 (9th Cir. 2005). Some ways of establishing that an electronic document is authentic include:

1. an admission by the author;
2. testimony of a witness who assisted or observed the Web page's creation;
3. evidence of similarities between the Web page and an authenticated Web page;
4. content on the Web page that connects it to the author; and
5. stipulation.

Another way to establish authenticity is to have the person who printed or copied the Web page prepare an affidavit of when the page was copied and that the copy accurately depicts the content of the Web page on that date. *See Lorraine v. Markel American Ins. Co.*, 241 F.R.D. 534 (D. Md. 2007).

(discussing proof of authorship by admission, stipulation, testimony of a witness who observed the entry of the posting, or by connecting he plaintiff to the postings either directly or circumstantially). In addition, a document may qualify as a business record, as maintaining electronic records is generally no different than printed records. *See Sea-Land Services, Inc. v. Lozen Int'l, LLC*, 285 F.3d 808, 819 (9th Cir. 2002).

One unique way of establishing the authenticity of the plaintiff's Facebook page is to bring a laptop to the deposition. If the plaintiff admits to having a Facebook page, have the plaintiff log on. The plaintiff may then navigate through the site and settings. This is comparable to going through a plaintiff's written diary.

3. Hearsay

Information posted to a website must overcome any hearsay objections. Hearsay is an out-of-court statement offered in evidence to prove the truth of the matter asserted. TEX. R. EVID. 801(d). Hearsay is inadmissible.

There are numerous exceptions to the hearsay rule, however. TEX. R. EVID. 801(e). The most relevant exception is an admission made by a party opponent. For instance, if a plaintiff makes a statement to another that he was not hurt in the car accident, then such statement is admissible at trial.

In *Lozano v. Texas*, 2007 Tex. App. LEXIS 9430 (Tex. App.—Fort Worth 2007, no pet.), a criminal defendant challenged text messages admitted in his trial as hearsay. The defendant had sent numerous text messages to his victim over a four-month period. The appellate court ruled that the text messages were his statements and thus party admissions.

In *People v. Liceaga*, 2009 Mich. App. LEXIS 160 (Mich. Ct. App. 2009), the criminal defendant's MySpace page contained a photograph of him holding the murder weapon and displaying a gang sign. The court allowed the MySpace page to show intent and a characteristic plan in committing the offense.

Another court ruled that Facebook usage could reflect a user's state of mind, another exception to hearsay. *Bass v. Miss Porter's School*, 2009 U.S. Dist. LEXIS 99916 (D. Conn. 2009).

The government has also used MySpace pages to impeach a defendant. In a social security fraud case, the defendant claimed he was not operating a business out of his home. However, his MySpace profile included showed him operating a tattoo parlor out of his house. *United States v. Morales*, 2009 U.S. Dist. LEXIS 122110 (S.D. Ga. 2009).

Postings by third parties may be more difficult to introduce into evidence. They will most likely be considered hearsay. In addition, there may be privacy concerns with regard to those third parties. However, if it is the plaintiff who makes the statements, then such statements may be offered into evidence at trial as a statement against interest.

B. Discoverability Issues Specific to Electronic Data

1. Custody or Control

Federal Rule of Civil Procedure 34(a)(1)(A) provides that a party may request production of "any designated documents or electronically stored information—including . . . data or data compilations—stored in any medium" that are within "the responding party's possession, custody, or control." A party need not have actual possession of documents to be deemed in control of them. Rather, documents are within a party's possession, custody or control if the party has the legal right to control or obtain them.

Texas Rule of Evidence 1001 includes electronic communications in its definition of "writings and recordings." Thus, a party should have "control" of its own "writings and recordings," including electronic communications.

Social networking sites are subject to subpoena just like any other business or person. In *Ledbetter v. Wal-Mart Stores, Inc.*, 2009 U.S. Dist. LEXIS 126859 (D. Colo. 2009), two employees sued Wal-Mart for injuries they suffered while at work. Wal-Mart sought more information after it had obtained evidence from the plaintiffs' Facebook and MySpace accounts which showed the plaintiffs were drug users. The judge allowed Wal-Mart to subpoena Facebook, MySpace and Meetup.com to produce information from the plaintiffs' accounts because the discovery was reasonably calculated to lead to discovery of admissible evidence.

However, be aware that a subpoena to Facebook or MySpace will likely not return much useful information. The most a defendant can expect is basic subscriber information and IP logs of the user's account. This will at least establish that the plaintiff has an account and when he or she logged into the account. Because of the Stored Communications Act, discussed below, social networking sites are not required to disclose "private" information through civil subpoenas.

2. Privacy

Privacy concerns arise with regard to social networking. The Federal Rules do not recognize any "privacy" exception to the requirements of discovery. However, the courts appear split on the issue at this time. The limited case law analyzing the private nature of social networking sites indicates that information that a person posts may or may not be considered private, depending on the facts of each case. If it is considered private, some courts are not allowing discovery of the posts. A party seeking social networking information thus must determine whether the content is public or private based on the plaintiff's settings.

A social networking site user's expectation of privacy should be measured against the degree to which other users and the public can access the information they upload. In *McMillen v. Hummingbird Speedway Inc.*, 2010 Pa. Dist. & Cnty. Dec. LEXIS 270 (Pa. D & C 2010), a plaintiff filed suit to recover damages for personal injuries allegedly caused when the defendant rear-ended the plaintiff's vehicle during a cool-down lap following a 2007 stock car race. The defendant requested the plaintiff's social networking information, including his user name, login name, and password. The plaintiff maintained that such information was private. The court noted that the social networking sites expressly advised the users of the possibility of disclosure of the information posted on the sites. Accordingly, the court found that a person using the sites could not reasonably expect that the communications would remain confidential. The information contained on the plaintiff's sites was relevant to proving the truth or falsity of his injuries. Therefore, the court order the plaintiff to produce his user names and passwords.

The plaintiff was further ordered not to delete or alter any of the information.

In *Romano v. Steelcase Inc.*, 907 N.Y.S.2d 650 (Sup. Ct. 2010), the defendant moved to compel plaintiff's current and historical Facebook and MySpace pages and account information, including all deleted pages, on the grounds that plaintiff had placed information on the sites which were inconsistent with her claims regarding her injuries, especially her claims for loss of enjoyment of life. The court looked at the limited public postings (which included a photograph of her smiling happily outside the confines of her home despite her claim that she had sustained permanent injuries and was largely confined to her house and bed), then ruled that her private pages may contain information material to her claims. The plaintiff could not hide relevant information behind "self-regulated privacy settings" and "self-set privacy controls." She was required to disclose all her information and to sign an authorization.

Similarly, in *EEOC v. Simply Storage Management, LLC*, 270 F.R.D. 430 (S.D. Ind. 2010), the EEOC objected to the defendant's requests for the claimants' social networking site profiles, claiming they were overbroad, not relevant, and improperly infringed on the claimants' privacy. The court ruled

that the EEOC had to produce relevant communications for the two claimants, noting that the content was not shielded from discovery simply because it was "locked" or "private." "[A] person's expectation and intent that her communications be maintained as private is not a legitimate basis for shielding those communications from discovery." Use of an "appropriate protective order" will address any privacy concerns. However, not everything had to be disclosed. Only profiles, postings, or messages that were relevant to the claims or defenses had to be produced.

A recent opinion out of California has created a potential hurdle to overcome in subpoenaing documents from social networking sites. In *Crispin v. Christian Audigier, Inc.*, 717 F.Supp.2d 965 (C.D. Cal. 2010), the court reviewed the protections provided by the Stored Communications Act ("SCA"), which was enacted in 1986 as part of the Electronic Communications Privacy Act. The SCA prevents providers of communications services from divulging private communications to certain individuals and entities. It does not apply to an "electronic communication [that] is readily accessible to the general public."

The court found that a social networking profile owner (typically the plaintiff) had standing to quash a subpoena seeking the production of personal information protected by the SCA. The court also found that since social networking sites allow for electronic communications among parties, these sites were covered under the protections afforded by the SCA against unwanted disclosures. The court therefore granted the plaintiff's motion to quash the portions of the subpoena that sought production of any private messages on those sites, reasoning that such messages were similar to emails and entitled to the same protection. As noted above, though, if such broadly worded subpoenas had reached Facebook, it is unlikely Facebook would have fully responded.

Significantly, the *Crispin* court also determined that the extent of the plaintiff's privacy settings may have made his comments and wall postings subject to the SCA's privacy protection, as some settings meant that such postings were not visible to the general public. The court did not grant or deny the

plaintiff's motion to quash the subpoena addressed to the production of Facebook wall postings or comments, but instead remanded to the magistrate judge for a hearing to determine the privacy settings utilized by the plaintiff on those sites. Presumably, if the privacy settings the plaintiff utilized on the sites were restrictive, the court would have quashed the subpoena pursuant to the SCA.

The SCA may prevent subpoenas to service providers seeking information that is considered private or password-protected information.

However, at least one court has suggested that, at the very least, a litigant in a dispute may be required to provide consent for access to social networking sites that contain information relevant to a dispute before the court. *See Flagg v. City of Detroit*, 252 F.R.D. 346 (E.D. Mich. 2008) (noting that the SCA does not override a defendant's obligation to produce relevant electronic communications). That is, if the litigant has the ability to "control" such information by providing consent to the service provider, then the litigant must provide such consent as part of its discovery obligations. Thus, a defendant that intends to subpoena a plaintiff's Facebook content should obtain a signed authorization, much like what is required for medical records or tax returns. Defendants can also overcome privacy objections by agreeing to a protective order.

Any requested authorization should include the plaintiff's full name, date of birth and address. If known, it should also include a "user ID," "group ID," or screen name. Additionally, include the plaintiff's email address. It should also be specific in what information is sought rather than seeking "all online content." The authorization should be notarized.

A request to Facebook should be addressed to:

Custodian of Records
Facebook Inc.
c/o Corporation Services Company
2730 Gateway Oaks Drive, Suite 100
Sacramento, California 95833

Facebook charges a mandatory, non-refundable processing fee of $500 per user account. A notarized declaration from the records custodian costs another $100.

MySpace requires personal service of subpoenas on its registered agent at:

2121 Avenue of the Stars, Suite 700
Los Angeles, California 90067

Both Facebook and MySpace will only accept subpoenas that have been domesticated by a California court. MySpace also requires the "user's unique friend ID Number or URL," "the password associated with the account," the user's zip code, and "the birth date provided to MySpace."

III. DUH! WINNING: USE OF SOCIAL NETWORKING IN PERSONAL INJURY CASES

There have been several cases in which the plaintiffs' claims were devastated by their Facebook or MySpace usage. In one case, a welder sued several welding equipment companies claiming neurological damage. His claims of being totally disabled were severely undercut when the defendants obtained photographs from Facebook of the plaintiff competing in high-speed boat races.

In another case, a plaintiff claimed severe carbon monoxide poisoning which left him with headaches, cognitive deficits, and problems walking. However, his MySpace profile had depictions of him performing "Jackass"-style athletic stunts and displaying a quick wit while engaged in trivia drinking games.

Finally, in another case, a plaintiff claimed personal injuries that left him incapable of using his hands beyond a token amount. The defendant's counsel learned the plaintiff maintained a blog and social network profile, posting and blogging frequently. The defense team downloaded all the blog posts and calculated exactly how many keystrokes would have been required to write them all and impeached the plaintiff at trial.

In a Dram Shop case, two girls were served alcohol at a restaurant, then hit another vehicle on their way home. The plaintiff alleged that the restaurant should have known the girls were underage. However, in addition to having fake IDs, the girls'Facebook pages contained numerous photographs of them drinking alcohol in various bars throughout the city dressed in such a way that they did not appear underage. These photographs helped negate the plaintiff's claim.

These are just a few examples of how social networking may be used to a defendant's advantage in a personal injury case. Be aware, of course, that defendants may be in the same position. In one case, the defendant claimed he was not on drugs at the time of an accident and that he never used drugs. Unfortunately, he posted on his MySpace page how much he liked cocaine, undermining any sort of credibility he may have had.

IV. PRACTICE POINTERS

Social networking users are becoming more savvy about their use and are making many of their settings "private." However, it is recommended that a search on the various social network sites and Google be performed upon notice of a claim or filing of suit. There is a chance that the page may not be set to "private" yet (although more plaintiffs' attorneys are immediately recommending just that to their clients upon taking a case). Any information obtained or sites discovered should be printed, as a plaintiff may change their settings at any time. In one case, a Google search of a *pro se* plaintiff disclosed the fact that he had been declared a vexatious litigant who was required to obtain court approval before filing anymore lawsuits. This resulted in the dismissal of his case and sanctions against him.

Likewise, prospective jurors should be investigated through Google and Facebook searches. If jury questionnaires are used, then questions about the jurors' social networking should be included. If names of jurors are not provided prior to jury selection, then it is recommended that someone with a laptop be present so that each juror can be researched prior to selection. This may be necessary to continue during trial, as some jurors have been known to tweet or post comments about the trial and how

the trial is going (despite the judge's instructions). Some jurors have even conducted their own online research regarding the parties. While such juror activity violates the court's instructions, it may disclose how the jurors feel about the trial or reveal possible jury misconduct.

There are several websites which may assist an investigator in obtaining information on a person despite that person's attempt to hide such information. The site http://www.archive.org has a search engine called "The Wayback Machine." This search engine allows searchers to identify the content of a website at any particular point in time. Of course, such information must still be admissible (i.e., relevant, authenticated, and not be considered hearsay).

Another site, www.spokeo.com, gathers information about individuals off the Web from other sites and stores such information, allowing an investigator to perform a search and obtain that information. The personal information includes the person's name, address, phone number, email address, spouse, children, age, home value, photographs, videos, hobbies, estimated income, and social profiles. It may even include a person's shopping history off of Amazon.com, photographs on Flicker, or a person's playlist on Pandora. According to spokeo.com's privacy page, everything on its website is publicly available. A person must actively opt out of the site to avoid having his or her personal information stored and searchable.

V. SOCIAL NETWORKING AND ETHICS

Although it is permissible to perform a general search as part of an investigation of a person's social networking sites, an attorney or someone working for the attorney cannot try to "friend" someone under false pretenses in an attempt to gain access to private content.

This is especially true if the person is a plaintiff and is represented by an attorney. Attorneys cannot communicate with a represented person without prior consent from that persons' attorney.

In addition, attorneys cannot knowingly make false statements of material fact or law.

The Philadelphia Bar Association issued one of the first opinions on the matter. It concluded that using a non-lawyer to procure information through false pretenses would constitute professional misconduct. The New York City Bar Association recently issued an opinion reaching the same conclusion with regard to witnesses, although it did note that there were no ethical constraints on accessing publicly viewable pages.

VI. TRENDING TOPICS: KEEPING UP WITH THE ZUCKERBERGS

There is no way to predict what the next phase of social media will entail. In addition, the legal community is often slow in responding to new technological innovations. However, there are some signs of how the legal community will handle the changes.

As discussed above, state bar associations are only beginning to adopt rules for social networking sites. Trial courts are including instructions to jurors as to what they may and may not do during the trial with regard to the Internet and social networks.

The next step appears to be service of process through social networking sites. Australia has become the first country to permit service of process via social networking. Attorneys attempting to serve someone via a social networking site must show both an inability to serve the defendant through a more traditional method and that service through Facebook offered a reasonable chance of success. The courts in Australia are more likely to permit such substituted service where it can be established that the Facebook user is in fact the person to be served rather than a fake account.

In England, an injunction was permitted against an anonymous blogger. Service was perfected via Twitter. In Canada, a court allowed substituted service through a defendant's Facebook page. The New Zealand High Court allowed service through Facebook where more traditional methods had failed and the defendant's physical whereabouts were unknown.

Although such method of service has not been approved in the United States, there are indications that it may happen. Litigants are increasingly obtaining discovery through the other party's social networking sites. Further, as Justice Sandra Day O'Connor once noted, neither notice by publication nor public posting provided actual notice to the defendant. Rather, notice is constitutionally adequate when the practicalities and peculiarities of the case are reasonably met. *Mennonite Bd. of Missions v. Adams*, 462 U.S. 791, 801 (1983) (J. O'Connor dissenting).

In fact, New York has already allowed service via email in a case where the defendant was employed in Saudi Arabia. In Texas, some counties have adopted local rules which allow for service of documents via email (other than citation of service).

Courts were initially skeptical of online information. *See St. Clair v. Johnny's Oyster & Shrimp Inc.*, 76 F.Supp.2d 773 (S.D. Tex. 1999) (noting that electronic evidence is "voodoo information taken from the Internet" that is "adequate for almost nothing"). However, some courts now expect the parties and attorneys to utilize the Internet. In *Munster v. Groce*, 829 N.E.2d 52 (Ind. App. Ct. 2005), the court was surprised that the plaintiff's attorney had not bothered to Google the defendant before advising the court that he could not be located. In another case, a court noted that merely checking directory assistance rather than using the Internet to locate a defendant had gone "the way of the horse and buggy and the eight track stereo." *Dubois v. Butler ex rel. Butler*, 901 So.2d 1029, 1031 (Fl. App. Ct. 2005).

In a criminal case, a defendant who had been identified in a lineup and charged with bank robbery was able to establish he was online on Facebook at the time.

Witnesses placed him in his room on the computer. Further, a subpoena of Facebook's records showed he had logged on and off during the time the bank was robbed and that such usage had occurred on his personal computer (Facebook will respond to criminal subpoenas more readily than it will to civil

subpoenas). The charges were dismissed. This sort of defense will continue to grow as GPS devices and location-based social networks grow in usage.

Some computer innovations are more insidious than others and will create new challenges for the legal community. In October 2010, an app was released, the Secret SMS Replicator. When secretly installed on another person's cell phone, it would forward all text messages to another's phone without the owner's knowledge. Google suspended the app.

Facial recognition software also raises privacy concerns. Such software allows the user to take a picture of another person. The software will then determine who that person is and provide the person's name, address, telephone number, Facebook page, and any other information accessible via the Internet.

Another program called Firesheep allows users to hack into another person's Facebook account. It is a Firefox add-on. It gives the user full access to other accounts, as well, such as Amazon, Twitter, and Windows Live. These types of technological innovations may become significant in how discovery is conducted but will also likely lead to new claims or causes of action as the courts and legislatures scramble to keep up with the changing world of electronic communication.

VII. CONCLUSION

The legal community's response to social networking continues to evolve. Ten years ago, the courts were derisive in their treatment of any information obtained off the Internet. Now, courts expect litigants to utilize the Internet and are in the process of establishing rules for discovery of social networking information. Although it cannot be predicted what technological innovations will occur or how they will impact litigation, it is clear that the traditional rules of discovery will continue to apply,

even though the courts will tweak the rules to fit the new technology into traditional litigation. Even so, new rules will be needed to address the unique issues that such technology generates.[1]

[1] The author acknowledges and is grateful for the work of John G. Browning and his book, *The Lawyer's Guide to Social Networking* (Aspatore Books) (2010).

About the Authors:

Fletcher Farley Shipman & Salinas, LLP - Fletcher Farley Shipman & Salinas, LLP originated in 1992 as a dedicated business defense firm, devoted to providing high-quality representation, sound legal guidance and efficient, cost-effective service to defendants. With depth of experience in all matters of tort, commercial, insurance and other litigation, Fletcher Farley is dedicated to resolving conflicts and solving problems for our clients. We leverage our extensive experience and skills as trial and appellate attorneys to achieve resolution both inside and outside of the courthouse. Whether in mediation, arbitration, negotiation or courtroom proceedings, Fletcher Farley strives for quick and efficient resolution that allow our clients to do what they do best — conduct business.