



## **Sex, Drugs and Facebook: A Texas Divorce**

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## **SEX, DRUGS AND FACEBOOK; A TEXAS DIVORCE**

Facebook is the largest online social networking site in the United States with over 100 million users and has over 350 million active users worldwide. Each user creates an average of 70 pieces of content monthly and has an average of 130 friends.

### **The Impact of Facebook in Divorces**

A recent study indicates that Facebook is involved in an alarmingly high number of divorces in the United States. In fact, the study indicated that almost one in five divorces involved Facebook.

The most common reason is spouses engaging in inappropriate sex chats with their online “friends.”

#### Some other examples

- Wife claimed her husband, an alcoholic, was drinking again. The husband denied it. Then a mutual friend of the couple stumbled across Facebook photos of the husband drinking beer a few weeks earlier.
- Wife claiming she can't afford child support payments, but subsequently purchased expensive jewelry and posted photos of the items on Facebook.
- Husband who claims he doesn't have anger problems while his social media profile is loaded with expletives.
- A younger female co-worker of the husband posted a suspicious message on husband's Facebook wall.
- Wife danced her way out of spousal support for life because she was disabled when husband found her belly dancing blog.
- Wife discovered that husband was sleeping with an escort in the game, Second Life, a virtual world where people reinvent themselves.

- Wife discovered that husband was divorcing her via Facebook - he updated his status on the site to read that he has ended his marriage to wife.
- Wife in custody fight posted that she liked to party and get drunk with her friends.
- Husband's girlfriend posted a series of pictures on her Facebook of she and husband hugging, kissing and groping each other.
- Boyfriend's page had pictures of boyfriend and wife in custody case partying at a bar in a swanky hotel, them kissing and the two wearing bathrobes; most importantly, a picture of the boyfriend in the marital home with one of the children.

Social media stalking skills have become invaluable in divorce cases

Online photo albums, profile pages, wall comments, status updates and tweets have become gold mines for evidence and leads.

### **How Do You Find Someone's Facebook Profile**

- The most common way to gather information relies on the battling couple's mutual online friends who still have access to the spouse's profile. Many times the spouse will "de-friend" a partner but forget about their shared friends who can play detective and access information on their profile.
- Another way of exposing damaging information is searching the profiles of the suspected "other man" or "other woman."
- Go to a site called Flowtown.com, type an e-mail address and the site generates various social media profiles.
- One can also go to Google's "images" search function and put in the opposing party's name and within seconds, incriminating photos may pop up.

- If all else fails, hire a reputable private investigator who specializes in social media.

No matter how careful you are, it is almost a certainty that one of your friends doesn't have all of their privacy settings correct

### **What Should Clients Considering Divorce Do?**

Users of Facebook and other social media who are considering divorce should:

- Make sure that there is nothing inappropriate on their Facebook and other social media, and if so, remove it;
- Be cautious about updating their status;
- Double check to see who is really a friend;
- Monitor their Facebook page to make sure that one of their friends doesn't post something inappropriate on it; or
- Shut down their Facebook completely.

Even if the client is savvy enough to not post certain photos and information on their Facebook page, other friends and family members may post something potentially damaging about the client on their Facebook page. For example, a friend may "tag" a compromising photo of the client and post it on the client's Facebook page.

### **Tips for Clients**

- You may have a great body but you don't have to expose it on your Facebook page or other internet site.
- Do not discuss anything on Facebook about what's going on in court, or between you and your lawyer including your lawyer's advice and strategy or comments about the opposing lawyer.

- Do not e-mail, text, tweet or blog about what's going on in court, or between you and your lawyer including your lawyer's advice and strategy even to your most trusted friends or closest family members.
- Do not comment on Facebook about your spouse or his or her lawyer during or after the litigation.
- Do not post pictures of your children on your Facebook page.
- Assume that everything you post on Facebook, e-mail, text or tweet will be seen by your spouse and his or her lawyer.
- Refrain from trashing your spouse and/or his or her lawyer after the litigation.
- Do not secretly access your spouse's Facebook page hoping to find damaging information to use against him or her.
- When it's over, it's over - do not visit your ex on Facebook - let it go and move on.
- Shut down your Facebook completely until your case is over.

### **Tips for Attorneys**

- Monitor your client and their collateral family and friends' communications on social media.
- Do not put inappropriate photos or comments on your Facebook page.
- Do not link your personal Facebook page with your website.
- Do not comment on lawyers or cases on your Facebook page.

For example, don't call the opposing attorney (or his or her paralegal) names such as chicken or worse, refer to a judge as Judge Clueless or as an evil, unfair

witch, mention evidence that hadn't been ruled admissible at trial, or discuss case facts, trial strategy or client identities.

### **Shutting Down Facebook May Not Be Enough**

Once something is online, it can be very difficult, if not impossible to delete. Prior information may still show up on the Web since it could end up on other sites and you are no longer in control of your material.

Some examples

- Recently divorced husband Googled his name and his ex-wife appears in pictures of vacations and Christmas parties
- Jilted boyfriend posted semi-nude photos of girlfriend on internet

Online reputation managers can make clients look better online. Although they normally can't remove the offending photo or information, they can populate the Web with favorable content. Those sites will appear first on a Web search and push down any offending material. They also have other methods to make finding negative material more difficult to find.