

Why The Kobe Bryant Crash Photos Verdict Is A Wake-Up Call For Local Governments: 7 Main Takeaways



- Contrary to popular belief, government entities are liable for employee personal use of digital media. Decisionmakers knew or should have known that public employees use their personal devices for work and personal tasks. Therefore, the need for more in-depth social media liability training is obvious. The jury found firefighters and sheriff's deputies sharing crash pictures of the Kobe Bryant helicopter crash on private phones is foreseeable.
- Decision makers are now sued individually for 1983 inadequate training. The need for more in-depth social media liability training was obvious.
- Employees who make social media mistakes are also sued individually and will end up paying out of pocket for legal damages. These cases can wipe out your life savings.
- The jury found that Los Angeles County engaged in superficial verbal warnings to employees and developed vague electronic media policies. There was no evidence of that expert digital media liability attorney trained employees or developed the county's digital media liability policy.
- Social media law is a highly specialized area, you cannot just have a busy in-house or general outside attorney write a digital media policy and train employees. Despite Los Angeles County employing over one hundred attorneys, they did not have a digital media law specialist review and update their electronic policies; this oversight cost them 31 Million Dollars.
- Many governments place blind trust on social media policies because they are developed by reputable policy services and national associations. Unfortunately, these policies are drafted by attorneys who do not specialize in social media law. This lack of expertise results in the use of vague policy language. Additionally, these policies often only use minimum policy standards, not the higher federal standards. Since most social media related cases are litigated in federal court, most boilerplate social media policies are ruled invalid.
- Even though there was no proof that the Kobe Bryant Crash Photos had been widely disseminated, the jury held Los Angeles County liable for potential future damages; the court recognized the viral capability of digital media and the inevitable occurrence of the crash pictures being shared with third parties at some point. This confirms the fact that digital media cases will always have the potential of big legal damages.