When clients first tell me they feel watched, they usually lower their voices. It sounds paranoid until you have lived through a claim. The truth is that insurance carriers do use surveillance, and they look at your social media. Not in every case, and not constantly, but enough that I plan for it in nearly every file. The point is not to scare you. It is to give you practical ways to protect your credibility, keep your claim accurate, and make informed choices while the case is active.

A workers compensation lawyer spends a lot of time thinking about proof, context, and narrative. Surveillance and social media sit at the intersection of all three. A single 30-second clip, if it lacks context, can look like a contradiction. A single sentence on Facebook can get read as a confession. My job is to make sure an incomplete picture does not become the only picture.

What surveillance usually looks like

Investigators work within rules that vary some by state, but the broad strokes are familiar. Most surveillance is old-fashioned: a person in a car with a camera. They park on your street where they are allowed to be. They film you leaving for appointments, picking up a child at school, stepping into a grocery store, or carrying a package. They prefer mornings, evenings, weekends, and holidays because they know you are more likely to be active then. If the insurer has a medical exam scheduled, they may watch you before and after, hoping to capture a contrast.

The camera does not show your pain level, the brace you took off for a moment, or the flare-up later that day. It cannot see the hour you spent in your parked car because you could not straighten up enough to walk into the pharmacy. A clip of you bending to tie a shoe for two seconds might be perfectly consistent with your restrictions and still look damaging to a claims adjuster who wants to deny your benefits. That is why context is everything.

Audio recording is a different animal. Some states require the consent of both parties for audio recording. Video of what is plainly visible in public tends to be allowed, but hidden microphones and recording conversations can be illegal without consent. GPS tracking has its own legal landmines. Putting a tracker on your vehicle without your consent is unlawful in many places. Drones? The law is lagging behind the technology, and I have already pushed back on drone footage taken over private property. If we see a novel tool, we challenge it.

Clients ask if investigators can come on their property. They cannot legally trespass. They can film from public vantage points. They may try to film through a window that faces the street. They might pose as delivery drivers to get a closer look. When in doubt, call your lawyer. Do not confront them. We can document, object, and, if needed, ask a judge to exclude footage that crosses a legal line.

How social media enters the claim file

Insurers harvest posts through public profiles, mutual connections, or lawful discovery requests. Defense lawyers sometimes send a preservation letter early on, signaling they plan to seek social media data later. A screenshot of you smiling at a family barbecue becomes Exhibit A in a cross-examination meant to show your reported depression is exaggerated. A vacation photo taken before the injury gets used to imply you travel despite reporting that sitting is hard. The gap between image and story widens fast.

The key is not to live in fear of your own life. It is to avoid feeding misunderstandings. A single photo rarely wins or loses a comp case. Patterns and contradictions do. Defense counsel will line up your posts, surveillance clips, medical records, and deposition testimony. If the picture is internally consistent, they move on. If something looks odd, they press hard.

Not every friend request is a trap, but I have seen adjusters create fake profiles that mimic real people. I have seen old posts resurface with a new caption that makes them look current. I have seen private posts come out in discovery, which is allowed if the request is narrowly tailored and the content is relevant. The safest assumption is that anything you publish during a pending claim might be read in a conference room later.

The credibility lens

Most comp systems hinge on medical causation, work-relatedness, and degree of disability. Credibility touches each one. The person who appears open, consistent, and realistic tends to be believed. The person who looks evasive or inconsistent gets scrutinized. Surveillance and social media are tools the other side uses to measure and test credibility.

When a client tells me they can lift ten pounds with difficulty, then surveillance shows them lifting a wiggling toddler, I do not throw up my hands. I ask for context. Was it a moment of adrenaline? Did they pay for it later? Did they avoid lifting their child for months and make an exception that day? I talk with the treating doctor. Many orthopedic surgeons will tell you that a single lift or bend does not define capacity. What matters is tolerance across a workday, and whether a given task can be performed repeatedly and safely. We lean into that nuance without sugarcoating it.

On the flip side, some footage helps us. I once represented a warehouse worker with a lumbar disc herniation. The insurer argued he was malingering. Surveillance caught him at 6 a.m., stiff as a board, shuffling to load into his car for physical therapy. He stood twice on the curb to stretch with a wince before he could sit. We played the video at mediation. The adjuster put a larger number on the table because for the first time they could see the morning ritual our client had described.

What a lawyer does the moment surveillance is alleged

The first move is to insist on full disclosure. We request the raw files, not just the edited cuts that make you look your best or worst. Metadata matters, because it can show timestamps, location tags, and whether clips were spliced. We also ask for investigator notes, logs, and any reports sent to the carrier.

Then we sit together and watch. Not as a gotcha session, but to collect context. Where were you going? How did you feel before and after? Were you doing something on doctor’s orders, like a home exercise program? Did a neighbor ask for help and you tried for thirty seconds, then stopped? I take notes like a court reporter and follow up with your providers. If you were filmed doing something arguably outside your restrictions, we address it head-on. Embarrassment fades. Avoiding the topic gives it more power.

I prepare to explain the difference between capacity and tolerance, good days and bad days, and what happens when pain medication masks symptoms for a brief period. We line those explanations up with chart notes, PT records, medication logs, and, if possible, contemporaneous texts you sent your spouse about the flare-up that evening. Judges respond to specificity, not platitudes. If you honestly overreached, say so. If the video misleads, we highlight every cut that skips the part where you grimaced.

Social media hygiene without panic

I never tell clients to delete content once a claim is underway. That can be spoliation of evidence, and judges take it seriously. What I do say is to pause and be intentional. The goal is not to go silent or become a ghost. The goal is to avoid posts that can be misread when viewed with skepticism, and to preserve anything that might be discoverable.

Here is a simple, practical approach I give most clients:

- Switch your profiles to the highest privacy settings, and do not accept new followers you do not know well, at least until the claim ends.
- Avoid posting about your injury, your pain scale, your case, your doctors, or your employer. Let your medical records speak.
- Skip photos and videos that emphasize physical activity, travel, parties, or heavy chores. Even staged or old images get twisted.
- Screenshot and save anything injury-related you posted before the claim, then talk to your lawyer about whether to archive or leave it alone.
- Remind friends and family not to tag you or comment about your health, work status, or case without checking with you first.

Clients sometimes push back, worried this sounds like they have something to hide. It is not about hiding. It is about not creating noise that forces you to explain yourself unnecessarily. A caption like “Finally back on my feet” can refer to getting over a cold, but in a deposition it will be read against your back injury claim. Precision helps. Silence helps more.

When you think you are being followed

The sensation of being watched can fray your nerves. I have had clients ready to call the police or confront someone in a parked car on their street. Those instincts are human, and they can also escalate trouble. Investigators often hope to provoke a confrontation because it makes you look volatile. There is a safer, steadier path.

- Note the date, time, vehicle description, and license plate if safe to do so, then call your lawyer. We will document it and, if needed, notify the carrier we are aware of surveillance.
- Do not approach the vehicle or the person. You do not know their training, and disagreements can turn into accusations quickly.
- Keep curtains or blinds closed in rooms visible from the street, especially during dressing, icing, or home therapy.
- Stick to your restrictions, even if the camera tempts you to “prove” something. Overdoing it for pride’s sake is how injuries worsen.
- If surveillance appears to cross lines, such as trespassing or filming minors in a private space, tell your lawyer. We can consider a protective order.

The moment you feel watched, it is normal to overcorrect. Some clients stop leaving the house and then get accused of failing to mitigate by not attending therapy. Others suddenly move like a robot in public, which looks odd on video. Live your life within your restrictions. Assume you are on camera when outside your home, then forget about it as best you can.

The deposition and the art of context

Surveillance and social media come alive in depositions. A defense lawyer plays a clip, freezes a frame, then asks if you agree you lifted a box. There is a right and a wrong way to respond. The wrong way is to argue with the screen or with the premise of the question. The right way is to tell the truth plainly, fill in the missing context, and, if you do not remember, say so without defensiveness.

We rehearse in advance, not to script your answers, but to lower your pulse so you can think at a normal speed. I will ask you questions that sound unfair and pushy. You will practice describing pain without exaggeration: where it starts, where it goes, what triggers it, how long relief lasts. You will practice talking about good days without apologizing for them. People in pain have good days. That does not erase the bad ones or your limitations across an eight-hour shift.

If a social post appears, we walk through when it was taken, what was happening, and whether the image reflects your current baseline. The truth is your friend. Juries and judges are better at sniffing *workers compensation attorney* out spin than most people think. If you tried to shovel your walkway for five minutes and paid for it that night, say exactly that. If you posed for a photo on a trip your doctor approved because sitting on a plane for two hours met your restrictions, do not shrink from it. We lay the groundwork with your providers so their notes back you up.

Medical exams, pain behavior, and the camera's blind spots

Independent medical examinations, often anything but independent, are honey traps for surveillance. Investigators camp outside the IME facility to capture you walking in and out. You will be tired, maybe stiff, or maybe freshly medicated and moving a little better for a brief window. Both can be misread. I debrief clients after IMEs, not just to talk about the exam but also to document the day: what time they left, how they felt before and after, whether they needed assistance. That memo becomes a timestamped record we can point to if a video later resurfaces.

Pain behavior can also look odd on camera. People grab a railing with the "wrong" hand or lead with the "wrong" leg because it hurts less in that moment. People switch sides halfway down the stairs. People walk normally for ten seconds, then freeze. Most orthopedic and pain doctors understand these patterns. I have had to educate judges on them. The camera loves clean stories. The human body offers messy ones.

When footage helps you, not them

Some of the best trial exhibits come from the defense. A clip intended to embarrass a client sometimes captures just how hard they are trying to stay independent. One client had a shoulder tear and the insurer argued he could return to overhead lifting. Surveillance caught him at a grocery store, lifting a gallon of milk with his good arm, then sliding it along the cart edge to avoid a push with the bad side. We paused the frame and the orthopedic surgeon explained what was happening mechanically. The adjuster's face changed.

We also create our own record. Short, date-stamped videos of home exercises, limited range of motion, or the maneuver it takes you to get into a car can be persuasive. So can a pain diary, kept in consistent language your doctor recognizes. We do not flood the record. We choose a few points and document them cleanly.

Ethics: what I will and will not advise

I will never tell a client to delete relevant posts or hide evidence. That crosses ethical lines and can damage your case more than any single photo. I will, however, advise you to lock down privacy settings, to stop posting about your health and case, and to stop tagging your location in real time. I will tell you to correct old posts only if the correction creates a better, more accurate record, and always after preserving the original.

I will also tell you the truth about risk. If the carrier thinks your claim has high value, they are more likely to spend money on surveillance. If your injury is to the back, neck, shoulder, or knee, they are more likely to think surveillance will capture apparent inconsistencies, because those injuries fluctuate. If you have a mental health

component, such as PTSD or depression, your smiling photos might be waved around. It is not fair, but it is predictable. We plan for it.

The difference between a life and a highlight reel

A highlight reel, even a reel designed to hurt you, misses the waking at 3 a.m. Because your leg tingles like static. It misses the 20 minutes it takes to sort your pills or the negotiations with your toddler about why Mommy cannot pick them up. Workers compensation is supposed to see the whole of how an injury affects your ability to earn wages. Surveillance and social media sometimes pull that assessment toward snapshots. A good defense lawyer knows it. A good judge knows it. A steady claimant and a prepared workers compensation lawyer make sure the snapshots sit inside a fuller story.

The fuller story includes trade-offs and limits. You might be strong enough to carry a basket of laundry, but not safely and repeatedly through a shift where production quotas leave you no time to pace yourself. You might be able to mow your lawn over two afternoons with breaks, but not run a riding mower for eight hours at a golf course without worsening pain. Those differences matter. We make them legible.

Practical myths worth clearing up

Privacy settings are not shields. They help, but private posts can still appear in discovery if they are relevant and reasonably described. Deactivating an account is not the same as deleting it, but both can look suspicious if done right after you file a claim. If you already deactivated, tell your lawyer so we can preserve what needs preserving.

Not every hobby is off-limits during a comp case. If your doctor encourages swimming for back pain, you can swim. If a friend posts a photo, you do not need to panic. Just avoid orchestrated images that perform wellness. Also, beware of sarcasm. “I’m totally broken” under a picture of you sitting on the porch reads poorly when stripped of tone.

Finally, disabling location sharing on your phone helps, but investigators still build timelines with old-fashioned techniques: watching your driveway, following at a distance, searching public records. Focus on living within your restrictions, not on outfoxing anyone.

How these issues play out at mediation or hearing

By the time we reach mediation, both sides have compared notes. Surveillance and social media are bargaining chips. If the defense believes their clips damage your credibility, they will discount the claim. We test that belief. Sometimes we stipulate that the footage shows what it shows, then demonstrate why it does not translate to sustainable work capacity. Sometimes we move to exclude it and win, especially where the investigation crossed legal boundaries.

At hearing, judges vary. Some take a dim view of surveillance, some tip toward thinking video is objective. The best approach is the same: walk the judge through who you are in specific terms, then let the record show consistency. If the insurer lacks footage that contradicts you over months, that silence often speaks louder than a single weekend of activity.

The long arc of living with a claim

Living under a microscope is exhausting. It can make you want to close your windows and your life. Do not. Recovering from an injury is work. It has momentum and setbacks. It asks you to move your body, to ask for help,

to make small, adaptive choices daily. If you make those choices with care and honesty, surveillance and social media lose power.

A seasoned workers compensation lawyer is not there to scold you into hiding. We are there to widen the frame, hold the carrier to the rules, and help you tell the truth in a way that a system built on forms and snapshots can absorb. Bring us your fears early. If you think someone filmed you having a good day, say so. We will fold it into the plan. The sooner we add context, the less oxygen a clip or a caption will have.

If you are reading this after a restless night because a parked car idled on your street, take a breath. Write down what you saw, and call your lawyer. Then get back to the routines that move you forward: therapy, rest, small errands, the walk you can tolerate, the phone call to a friend who understands. A camera can catch a moment. It cannot catch your whole life unless we let it.