

Divorce in the Digital Age: The Perils of Text Messaging

Fort Lauderdale Family Law Attorney Advises Clients to Avoid Texting Marital, Extra-Marital or Negotiation Details - Or Risk Texts Becoming Evidence FORT LAUDERDALE, Fla., Nov. 3

FORT LAUDERDALE, Fla., Nov. 3 /PRNewswire/ -- In the age of digital communications, there now are three sides to every divorce story: His, hers, and what's being stored by the phone company.

Digital communications, like email, instant messaging and increasingly text messaging using a wireless phone, has opened new lines of communication between people. This includes couples facing divorce. While email and IM are commonly used, most should be wary of texting. Why? Many people who text often will message their spouse, friends or even a lover with whom they're having an affair, revealing intentions, intimate details and negotiation strategies.

Such conversations can become evidence in the mediation or courtroom setting. Yet, hitting "Delete" isn't enough to erase the conversation. The phone company often retains records of text conversations for up to 30 days. In a divorce scenario, those records can be requested or subpoenaed into evidence.

"Texts can be the forgotten smoking gun," said Barry I. Finkel, partner in The Law Offices of Barry I. Finkel P.A. The firm practices exclusively in the area of divorce and family law. "Imagine one party's surprise when they thought they'd deleted that message to their lover or made a damaging statement, and it shows up as evidence in court. It can cause irreparable damage to their case."

Case law is evolving in the area of digital communications, Finkel advises his clients. An authentic text message carries much the same evidentiary weight before a judge or mediator as a letter or email. Produced in court, it can burden or benefit one side's case.

Among Finkel's tips: If you intend to text message any settlement details to your spouse, clear the message with your divorce attorney first. If you believe your spouse has been texting a lover, suggest your attorney request all text messages from opposing counsel or request a subpoena from a judge if texts have been deleted from the wireless phone.

Texts also can be used favorably, leaving a "paper" trail of how one party was trying to encourage settlement or presenting reasonable terms that would reduce fees by keeping the divorce out of the courtroom. "It shows back-and-forth communications in an effort to work things out or come to an agreement," Finkel said.

ABOUT THE LAW FIRM OF BARRY I. FINKEL P.A.

The Law Firm of Barry I. Finkel P.A., is a Divorce and Family Law practice focused on serving the needs of the entire family. Established in Fort Lauderdale / Broward County, Florida, in 1983, the firm's lawyers provide trusted matrimonial counsel to clients facing turbulent times and unsettling situations. Learn more at www.BFinkelPA.com.

SOURCE The Law Firm of Barry I. Finkel P.A.