

# Flipping the Switch, Changing the Locks & Upping the Thermostat: Devious Spouses' Abuse of Smart Phone Technology

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## ABA's Model RPC, Rule 1.1

- **A lawyer must keep abreast of changes in law including benefits & risks associated with relevant technology**

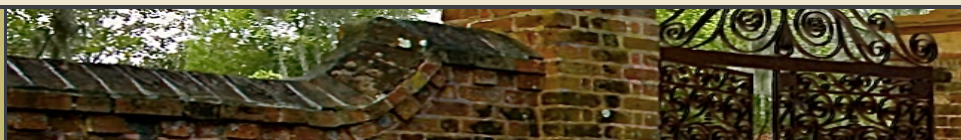
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## Ethics Opinions

- “[C]ounsel has a general duty to be aware of social media as a source of potentially useful information in litigation, to be competent to obtain that information directly or through an agent, and to know how to make effective use of that information in litigation.” N.H. 2012
- Lawyers who lack competence in e-discovery could violate CA’s ethics rules and the attorney’s duty of confidentiality. CA 2015
- “Rule 1.1 requires lawyer to provide competent representation to clients. Comment [8] to the rule specifically state that a lawyer” ....[should keep abreast of relevant technology.] ‘Relevant technology’ includes social media. NC 2015

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## Smart Technology Can Be Scary!

- Smart Thermostats are being used to freeze out or burn up estranged spouses, literally!
- Smart Security Systems are being used to monitor comings and goings at the marital home
- Smart Security Systems are being used to listen in on even privileged conversations in the home!

<http://www.wbrc.com/story/38514783/technology-devices-used-to-abuse-in-divorce-cases/>

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## Even the NY Times is Reporting on the Problem!

- One woman had turned on her air-conditioner, but said it then switched off without her touching it.
- Another said the code numbers of the digital lock at her front door changed every day and she could not figure out why.
- Still another told an abuse help line that she kept hearing the doorbell ring, but no one was there.

<https://www.nytimes.com/2018/06/23/technology/smart-home-devices-domestic-abuse.html>

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## Be Aware of Emerging Technology!

- The NYT is also reporting that Israeli spyware is now being sold that can secretly turn smartphones and laptops remotely effectively making surveillance devices.

<https://www.nytimes.com/2018/08/31/world/middleeast/hacking-united-arab-emirates-nso-group.html>

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## What Do We Tell Our Clients?

- Turn on all security settings  
    Passwords, Approval of FB posts, FB Tagging, etc,
- Turn off SHARING on all Apple devices,
- Turn off GPS tagging on Social Media posts (FB, Twitter, Instagram)
- Turn off GPS location services on an iPhone and Android Phones

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## Hot Tips!

- Tell Clients to Secure their Digital Hardware with Passwords & other Security Options
- Make Written Notation About Your Advice
- Follow up with a Thank You letter/email sent to a secure location outlining the advice you gave them

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## Ask Them For Information!

Please list all devices capable of taking pictures, videos and audios that you use or are set up at your home or office. (Exs. Smart Home Security Systems, Remotely Controlled ThermoStat device, theNest, Ring, Camera, Video Equipment, Audio Equipment, Nanny Cam, and the like.)

DEVICE	OWNER	PROVIDER	WHO PAYS BILL	PASSWORD PROTECTED	WHO KNOWS PASSWORD	WHO RECEIVES NOTICES
<i>EX. Ring</i>	<i>W</i>	<i>Ring</i>	<i>W</i>	<i>Yes.</i>	<i>W</i>	<i>W &amp; H</i>

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## Ask Them For Information!

Please list all Social Media Sites, Platforms and Professional sites that you have signed up for in the past whether or not the account still exists. (Exs: Facebook, Professional Facebook, Instagram, SnapChat, YouTube, Twitter, LinkedIn, AVVO, Martindale Hubbell, Google, Pinterest, and the like.)

PLATFORM	DATE OPENED	USERNAME	PASSWORD PROTECTED	WHO KNOWS PASSWORD	DATE CLOSED
<i>EX. Facebook</i>	<i>DEC 2012</i>	<i>MelissaFullerBrown</i>	<i>Yes</i>	<i>W</i>	<i>Open</i>

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# Hot Tip!

Please list all dating sites that you have used in the past. (Ex. Match, POF, EliteSingles, Tinder, Bumble, MillionaireMatch, etc)

SITE	DATE OPENED	ONLINE NAME	WHO PAYS BILL	PASSWORD PROTECTED	WHO KNOWS PASSWORD	NOTICES SENT? & IF SO, WHERE & DEVICES	DATE CLOSED
<i>EX. Match</i>	<i>June 2018</i>	<i>SCMan</i>	<i>H</i>	<i>Yes.</i>	<i>H</i>	<i>Yes. To my email account, <a href="mailto:husband@gmail.com">husband@gmail.com</a>, which goes to my iPhone, laptop &amp; iPad.</i>	<i>Still active</i>

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