



Commentary: Federal court upholds termination sparked by Facebook rant

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An article by Partner Rich Meneghello on a termination sparked by Facebook was recently featured in the *Daily Journal of Commerce Oregon* and *New Orleans City Business*.

Rich wrote about how workers now flock to Facebook instead of gossiping at the water cooler.

In the article, Rich highlighted a case surrounding a child protective services caseworker named Jennifer Shepard.

In a series of posts and comments, Shepard railed about what she termed as the injustice of seeing people on welfare with “gigantic flat-screen TVs” and driving BMWs.

When her managers became aware of her Facebook rants, they realized that they would never be able to call her as a witness in a case again, because opposing parties could find the statements online and contend that she was biased and judgmental.

After an investigation into the comments, Department of Human Services terminated Shepard’s employment. She countered with a lawsuit, claiming that the state violated her First Amendment rights.

In a November 2013 decision, the federal court hearing the case dismissed Shepard’s claim and upheld the termination. [Read more on this case.](#)

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