

Office of General Counsel  
Walter J. Harvey, Board Attorney

**SUBJECT: NATIONAL SOCIAL MEDIA ADOLESCENT ADDICTION LITIGATION**

**LINK TO STRATEGIC PLAN: EFFECTIVE AND SUSTAINABLE BUSINESS PRACTICES**

According to the Pew Research Center, in the United States, YouTube has become the most popular social media platform with 85 percent of 13 to 17 year olds using it, 72% use Instagram, 69% use Snapchat, 51% use Facebook, and it's estimated that 69% of US teens are monthly TikTok users. Surveys of minors suggest that ninety percent (90%) of teens use social media. "In less than a generation, social media has evolved from direct electronic information exchange, to virtual gathering place, to retail platform, to vital 21st-century marketing tool" ("The Evolution of Social Media: How Did It Begin, and Where Could It Go Next?," Maryville University Report, 2021).

Unfortunately, social media use has been found to be detrimental to the mental, emotional, and developmental health of young users, particularly to children and teenagers. Research has shown that young people hooked on social media have higher rates of anxiety, depression, disordered eating, sleep deprivation, bullying, self-harm behaviors, and suicide ("Adolescent mental health in the digital age: facts, fears, and future directions." Odgers CL, Jensen MR. *Journal of Child Psychology and Psychiatry*. 2020; 61:336–348. The rise in youth use of social media also coincides with an increase in the percentage of depression and suicides among youth in the U.S. The Florida Department of Health also found significant mental health issues among high schoolers in 2019, especially among young women (<https://www.floridahealth.gov/programs-and-services/prevention/suicide-prevention/youth.html>).

Recently the Surgeon General, the nation's top health official, issued an extraordinary public advisory warning of the mental health risks to adolescents from regular use of social media and of the necessity to continue to the impact of social media on the mental health of our nation's youth ("Surgeon General Warns That Social Media May Harm Children and Adolescents," *The New York Times*, May 23, 2023). The Florida Legislature has also noted the harmful impacts of social media usage among students and in its last session, through HB 379, prohibited "the use of the TikTok platform or any successor platform on district-owned devices, through Internet access provided by the school district, or as a platform to communicate or promote any district school, school-sponsored club, extracurricular organization, or athletic team."

The adverse mental impact of social media use among teenagers has also impacted the school learning environment with studies indicating that in 2020, sixty-six percent (66%) of public schools reported an increase in the percentage of students seeking mental health services, staff expressing concerns about student depression and other disturbances, and behavioral issues in the classroom. In addition to the mental health impacts of social media use, such use has led to increases in vandalism and student initiated violence at schools. Testimony during the trial of the gunman in the Parkland school massacre revealed his extensive use of social media prior to the shooting. "Parkland gunman spent weeks making violent social media posts and searching online for information about mass shootings," *CNN*, July 28, 2022).

The deleterious effects of social media usage on our youth is compounded by the revelation that the purveyors of these social media applications deliberately employ strategies designed to maximize youth engagement with their applications by using algorithms that promote content harmful to youth and by using Intermittent Variable Rewards ("IVRs") which create dopamine hits, akin to those used in a casino. These manipulations intentionally alter users' behavior, creating habits and addiction, and are especially effective and harmful to our students, who are more vulnerable because their brains are still developing. These strategies serve to encourage addiction to the social media companies' platforms, which has led to a national mental health crisis among our youth.

As a result of the detrimental effects of excessive and rampant social media use by students, beginning in January of this year, public school districts have filed lawsuits in federal court against several social media companies alleging that these companies use advanced artificial intelligence and machine learning technology to create addictive platforms that harm young people's mental health ("Schools sue social media companies over youth mental health crisis," *The Washington Post*, March 19, 2023).

At the July 12, 2023, Facilities Construction School Board Committee meeting, General Counsel for the Board introduced Ms. Aelish Baig and Mr. Eugene Pettis, attorneys that participated in the presentation on the pending national social media litigation; these attorneys are at the forefront of this litigation and represent clients throughout the nation in these matters. After the presentation, consensus of the Board was that an item regarding the Board joining the litigation ought to be brought to the Board at its August meeting. Accordingly, the Board's General Counsel agreed to bring a recommendation to the Board on this matter. After much research and multiple discussions with national and local counsel involved in the social media litigation, it is General Counsel's recommendation that the Board file a lawsuit in federal court seeking compensation for the financial impact on our District in responding to the harmful effects of the use of social media applications by students in our schools. It is further recommended that the Board join in the multi-district litigation currently underway in the U.S. District Court in the Northern District of California (Oakland Division).

This item requests that the Board authorize the retention of legal counsel and the filing of any claims on behalf of the Board in a multi-district litigation against Facebook, TikTok, Snap Chat, YouTube, as well as other social media companies. A group of law firms, which include the firms of Robbins Geller Rudman & Dowd LLP; Kopelowitz Ostrow Ferguson Weiselberg Gilbert; and Haliczzer Pettis & Schwamm, P.A., are proposed to be contracted to head the litigation. The contract for these legal services, which will be a contingency fee agreement, will stipulate that the School Board will not be subject to any legal fees or litigation costs unless it recovers monetary

compensation for its damages. Costs and expenses associated with this litigation will be paid by the law firms and reimbursed only if there is any recovery.

**RECOMMENDED:** That the School Board of Miami-Dade County, Florida, authorize General Counsel to retain outside legal counsel including, but not limited to, the litigation group of Robbins Geller Rudman & Dowd LLP; Kopelowitz Ostrow Ferguson Weiselberg Gilbert; and, Haliczzer Pettis & Schwamm, P.A. to represent and file claim(s) on behalf of the School Board in a multi-district litigation against Facebook, TikTok, Snap Chat, YouTube, as well as other social media companies and to execute any necessary contracts to effectuate such legal representation in the manner described in this item.