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# Judging Social: How Courts Use Modern Media

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**By K. Daniel Glover**

The man who represents himself in court may well have a fool for a client, but the Indiana Supreme Court is doing its part to make sure that man is a little less foolish.

Over the past few years, the court has been producing Internet videos aimed at educating people who choose to represent themselves. The series includes introductory lessons, specific tips for various stages of the legal process and topical videos on subjects like children and divorce. Some of the clips have more than 10,000 views each.

Online videos like those on the Indiana high court's YouTube channel are just one technique that courts — and some judges — are using to expand their communications horizons. As more people go to social media for information, the judicial branch is getting social to reach them.

"There's widespread interest in the topic in the court community," said Chris Davey, the public information director for Ohio's Supreme Court. He has been spearheading research of social media in the courts for the Conference of Court Public Information Officers. "Almost every day there are courts that are starting to use some form of social media."

Even the International Criminal Court has a Twitter account and YouTube channel.

**The 21st-century court reporter**

The Indiana Supreme Court is one of several U.S. courts on Twitter, a move that PIO Kathryn Dolan credits to changing media realities — and to her boss Chief Justice Randall Shepherd, whom she calls "a newspaperman at heart."

"What we're seeing nationally and globally is obviously a shift in how people consume news," Dolan said. "They decide what they want to hear and learn about and go directly to the source in many cases. And we felt that it was important to provide that information and that means for them to gather that information directly from us."

Indiana's judicial branch uses Twitter to report court news, release judicial opinions and solicit public input. The branch also publishes three blogs on its website — Indiana Court Times, The Legislative Update and Bits & Bytes, which focuses on court technology.

While those publications obviously are targeted toward niche audiences, Dolan said the beauty of social media is that anyone can access them. "It's not for me to determine whether you want or need this information."

When the Florida Supreme Court opened a Twitter account a year ago, PIO Craig Waters said the goals were to increase the reach and speed of news already shared on the court's website. Laura Kiernan cited similar reasons a few months earlier when New Hampshire's Supreme Court, where she serves as

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communications director, joined Twitter.

In recent weeks, the District of Columbia court system has been using its Twitter account to publicly thank citizens on Twitter for reporting to jury duty. The D.C. courts sometimes even reply to would-be jurors' comments.

The courts clearly are cautious about how they use social networks, however. The Arizona Supreme Court joined both Facebook and Twitter more than a year ago but has rarely used the service since. The court has posted content less than 30 times to the two sites combined.

U.S. Supreme Court Justice Stephen Breyer last month told a House subcommittee that he uses Twitter and Facebook — but only to connect with relatives. "Judges wear black robes so that they will resist the temptation to publicize themselves — because we speak for the law, and that is to be anonymous," he said.

**Maintaining the integrity of the courts**

While courts grasp the "network" potential of such sites to broadcast information and educate the public, they are not as comfortable with the "social" aspects of those networks.

"Yes, courts are using social media, but is it a conversation yet? No," said Nora Sydow of the National Center for State Courts. She said the idea of using social media as a two-way communication tool is "a slow process."

Dolan said Indiana's high court has shunned Facebook for now because of concerns about the ability of others to comment on posts and the ethical issues that might raise were the court to respond to comments. "As the judicial branch," she said, "we place great value on fairness and impartiality, including the appearance of fairness and impartiality."

That thinking governs Ohio Supreme Court Justice Judith Ann Lanzinger's approach to her blog, Justice Judy. The prominent disclosure statement says, "You will not find political commentary, interpretations of judicial decisions, or anything else that would carry even the remote possibility of violating the other judicial canons." She allows comments but moderates them.

Ethical concerns heighten when it comes to individual judges' use of social media. The CCPIO tackled that issue in its first annual report on the topic last summer. A survey conducted as part of the report found that nearly half of judges do not believe judges can use social media professionally without compromising ethics.

Facebook "seems to be the problematic platform" because of the "friend" terminology at the core of the network, the NCSC's Sydow said.

"One of the concerns is if a judge 'friends' an attorney who appears before him or her, does it create the perception that this attorney is in some special position or has some special relationship to influence the decision-making process by that judge," she said. Judicial bodies in Florida, Kentucky, New York, Ohio and South Carolina have issued conflicting opinions on that question.

While some judges have long played golf with attorneys, Sydow said, technology "makes these relationships much more public. … It has impacted the culture of the court system. Ethics and the image and the concerns are very real for the courts."

In April 2010, the Committee on Codes of Conduct at the Judicial Conference of the United States tackled a range of issues in a 40-page guide on social media — from security and disclosure to training and rules on the use of court equipment. The underlying message was that traditional rules governing "the dignity and independence of the judiciary" apply to all online activity.

Despite legitimate ethical concerns about social media, Sydow expects the judicial branch to adapt to the changing culture over time. Training in social media is now part of the process for court administrators and at judicial conferences, she said, and as awareness increases, so will acceptance. It helps when courts have PIOs with journalism backgrounds instead of legal backgrounds, she added.

"It's moving very quickly," Sydow said. "The advantages outweigh the concerns."

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