



# Judicial Training in a Social Media World

*BEST PRACTICES FOR EDUCATING THE JUDICIARY  
ON THE ETHICAL USE OF SOCIAL MEDIA*

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# Judicial Code of Conduct

- ▶ CANON 1: A judicial employee should uphold the integrity and independence of the judiciary and of the employee's office
- ▶ CANON 2: A judicial employee should avoid impropriety and the appearance of impropriety in all activities
- ▶ CANON 3: A judicial employee should adhere to appropriate standards in performing the duties of office

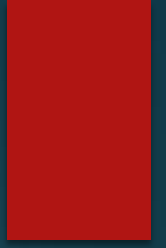
# Judicial Code of Conduct

- ▶ CANON 4: In engaging in outside activities, a judicial employee should avoid the risk of conflict with official duties, should avoid the appearance of impropriety, and should comply with disclosure requirements
- ▶ CANON 5: A judicial employee should refrain from political activity

# Social Media Implications

- ▶ Confidentiality
- ▶ Avoiding impropriety inside and outside of the office
- ▶ Detracting from the prestige of the office
- ▶ Detracting from the dignity of the court
- ▶ Sending a message of favoritism or special access to the Court
- ▶ Commenting on matters pending before the Court
- ▶ Supporting fund raising efforts
- ▶ Supporting a commercial venture/private interests of another
- ▶ Discussing matters that may be litigated before the Court
- ▶ Taking a political position

Insidious Nature of Social Media:  
Mimics interpersonal  
communication but may be  
broadcast to a much larger  
audience for an indefinite period of  
time



# Educating Judges about these implications

- ▶ FIRST, the Judge must know her own canons
- ▶ SECOND, the Judge must understand the technology
  - ▶ The judge must understand the limitations of the technology
- ▶ THIRD, the judge must be given tools to think through the canons when applied to the technology
- ▶ FOURTH, the Judge must have a source for advice, help

# Effective Training Requires:

- ▶ Knowledge of the Court's ethical rules/canons
- ▶ Knowledge of how social media is used
- ▶ Concrete examples of ethics issues in a traditional setting
- ▶ Concrete examples of ethics issues in the social media setting
- ▶ Free discussion about the implications

# Knowledge of the technology

- ▶ Twitter
- ▶ Instagram
- ▶ Snap Chat
- ▶ Facebook
- ▶ Blogging
- ▶ Influencers
- ▶ 4Chan
- ▶ Gamers
- ▶ Youtubers



# Training Module

- ▶ Step One: Introduce the Canon / Ethical Principle
- ▶ Step Two: Use a concrete *traditional* example that is *not* from social media and is easily understood as being an ethical issue
- ▶ Step Three: Choose the social media technology you want to discuss
- ▶ Step Four: Transfer the traditional example into a social media example
- ▶ Step Five: Full and OPEN discussion regarding the ethical implication impacting both

# Use of Concrete Examples

- ▶ Without a concrete example of how the social media can be disseminated, manipulated, and interpreted, the judge may not be aware of the ethical implications
- ▶ Without a concrete demonstration about the privacy settings, the Judge may have a false sense of security
- ▶ Without a concrete demonstration of how a social media post can be manipulated or disseminated, the Judge may not appreciate the magnitude of her involvement

# Use the actual technology

- ▶ Show how to tweet, remove a tweet, respond to a tweet, forward a tweet
- ▶ Show how to like a photo, a comment, a statement on Instagram, facebook, snap chat, linked in
- ▶ Show how gamers connect with each other on line
- ▶ Show how influencers post content and link to ads and commercial ventures
- ▶ Show how a post can be copied and even altered and reposted
- ▶ Show privacy settings and updates and how often they are updated

# Example #1: Supporting commercial/private interest of another

- ▶ Introduce the Canon: Prohibits using the prestige of office to support a private gain
- ▶ Traditional Example: Sending a letter to colleagues seeking to have them donate to a cause
- ▶ Social Media – Instagram: Image of friends dressed up at a Gala fundraiser
- ▶ Post: Amazing night for kids' charity  
#Nottobemissedevent #moversandshakers
- ▶ Implication Discussion

# Example #2: Sending message of special access - impartiality

- ▶ Canon Introduced: Avoid appearance of impropriety by giving special access to the Court
- ▶ Traditional example: Judge invites a party back to chambers to celebrate birthday while case is pending but only invites one side
- ▶ Social Media example: “friends” litigant so litigant now has access to Judge’s page where judge posts birthday celebration
- ▶ In Court, litigant comments, “Happy birthday to your grandson, Judge – he is certainly growing up fast.” Other litigant is in the dark about the celebration, the grandchild, etc.

# Example #3: Detracting from the dignity of the Court

- ▶ Introduce the Canon: Avoid behavior that would detract from the dignity of the court both inside and outside of the courthouse
- ▶ Traditional example: a reporter takes a photo of the judge dancing on the bar at 2 a.m.
- ▶ Social Media: Snap chat photo of judge dancing on the bar sent from judge to judge's daughter
- ▶ Judge's daughter laughs and sends to a few friends to show how cool mom is – a friend posts on Facebook to show how cool judge is
- ▶ Judge's efforts to limit access was as strong as the weakest link in the chain of distribution

# Example #4: Expressing a political position on a matter before Court

- ▶ Canon: A judge should not take a political position
- ▶ Traditional: A judge supports a candidate in the presidential election by supporting him at a luncheon for bar association
- ▶ Social Media: Linked In
  - ▶ Judge posts article about the upcoming election encouraging citizens to vote in order to “right the wrongs” of the last election
  - ▶ Judge posts photo of family with son wearing a “Trump must go” shirt

# Questions

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