

**THE USE OF SOCIAL MEDIA
IN SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY**

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This work is dedicated to the loving memory of my father, the late Jorge Seguin, M.D. He would have gotten a real kick out of the social media phenomena and seeing me complete this program.

The advancement and diffusion of knowledge is the only guardian of true liberty – James Madison

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ABSTRACT

It is important for the Judicial Branch to understand the importance of social media and to proceed cautiously into this new arena as more and more courts in the United States develop a social media presence. This research project analyzes a number of aspects surrounding the phenomenon of social media and the Superior Court of Arizona in Maricopa County (the Court).

The following questions were addressed:

- Where does the community typically receive its news and information regarding the Court?
- Which components of social media are beneficial to the Court?
- What are the common pitfalls encountered when the Court uses social media?
- Is social media an effective way for the Court to communicate with the public?

The research methods used in this project involved a literature review, three electronic surveys, and data analysis. Two of the three surveys were distributed to the Court's media and general public consumers through Twitter and Facebook while the third was distributed directly to all the judicial officers on the Court's bench. The results of these surveys conclude the following:

- Judicial officers do not believe the Court should be using Facebook or Twitter as a means to communicate with the public;
- General public users of the Court's Facebook do monitor the page but generally go to the Court's website when looking for specific information about the Court; and,

- Media consumers using Twitter predominantly use the Court's feed for breaking news but access the Court's website when seeking more specific information.

As a result of these findings, the following recommendations are suggested in order to improve and accentuate the benefits of the Court's social media efforts:

- One-on-one education to the Court's bench is needed so that they understand better the successes of the Court's Facebook page and Twitter feed and the overall benefits of social media;
- Judicial officers should be provided with specific examples of how the social media efforts have resulted in positive outcomes for the Court;
- Judicial officers should be allowed the opportunity to share their concerns in a constructive forum with the goal of finding possible ways to address their concerns while still continuing the Court's use of social media;
- Social media vehicles should be continued and expanded upon with consideration given to the introduction of a YouTube channel for the purpose of posting short "how-to" segments;
- Ongoing and timely information should be posted to both the Facebook page and Twitter feed; and,
- Improvements to the Court's website should be an ongoing process as it is a critical point of entry for public information.

INTRODUCTION

In 1906, Roscoe Pound, one of the fathers of modern court administration, lamented about the need for improved public understanding and confidence in the courts. At a speech before the American Bar Association, he implored courts to be responsive to the concerns of citizens.¹ Unfortunately, improving services and the court's image is challenging because the public is generally uninformed or misinformed about the role of the courts. Furthermore, courts as institutions have not traditionally taken an active role in promoting public information programs.² In 2011, this has not changed, even as courts are increasingly criticized by the media and some public figures. In response, courts need to ensure that they are seen in a positive light and communicate with the public they serve. Is using social media an appropriate and effective way for the Superior Court of Arizona in Maricopa County (the Court) to communicate with the public? This paper's central position is that using social media is an effective tool for reaching broader audiences who no longer obtain their news and information from the morning newspaper delivered to their doorsteps.

Public perceptions of the courts are seemingly shaped by notorious cases, fictional representations, and filtration through the media. It is important to understand where people are currently getting their information about the courts. Most people do not even know where their local court is located. The only time many members of the public have contact with the court is when they get a traffic ticket, get divorced, or are called for jury duty.

In February of 2010, the Court began using social media as a tool to communicate and educate the public. The Court would be missing a golden opportunity to promote its

¹ *Developing Comprehensive Public Information Programs for Courts* (National Association for Court Management, June 1996), page 1.

² See note 1 above.

communication mission if it did not take advantage of the new tools provided by Facebook and Twitter. These tools provide an excellent way to connect with its customers and millions of people worldwide.

In an effort to better communicate with its customers, the Court currently uses Twitter (Appendix 1) and Facebook (Appendix 2). To avoid ethics questions and misuse concerns, the Court established a policy on Facebook and Twitter that complies with public record retention laws, the Court's Electronic Communications Policy, the Arizona Supreme Court rules on retention and destruction of court records, and the codes of ethics for judicial officers and court employees (Appendix 3). To ensure compliance with these rules and policies, the Court created strict parameters for employees who are authorized to create and post court information on behalf of the Court. The policy also provides unambiguous direction so authorized employees feel comfortable that they are using social networking sites appropriately. It also allows the Court an opportunity to speak with one voice and to connect to a large audience, including the media and court employees, through a group of employees who are highly skilled public information and community outreach professionals.

Large segments of the population are using social media – young people, reporters, etc. The public is empowered in a way they never were before. Social media is an effective way to reach out to the community the Court serves. Social media is less about the actual technology and more about the way it enables people to interact online.³

This paper analyzes a number of aspects surrounding the phenomenon of social media and the Court. These include:

³ Travis Olson and Christine O'Clock, presentation "Social Networking Tools for Courts," Court Technology Conference, 2009.

- Where does the community typically receive its news and information?
- Which components of social media are beneficial to the Court and to the community; which are not?
- What are the common pitfalls encountered when the Court uses social media?
- Are there opportunities that are being missed?
- Is using social media an effective and appropriate method for the Court to communicate with the public?

It is important for any public institution to enjoy the community's trust and confidence; this is especially true for its local court. Yet there appears to be a long standing public torpor regarding confidence in the courts' role within our government and our society. The general public may have strong images of state courts - the idea that courts are costly, difficult to comprehend, lenient, slow to reach decisions, inappropriately "activist" and influenced negatively by political considerations. There are also concerns about the fairness of court decisions as applied to various racial and ethnic groups, and across the income spectrum.

It is important to build public trust and confidence in courts and for the judiciary to get to know the community it serves. Collaboration between the Court and the community promotes recognition of the Court's contribution to the community. As more and more community members attend forums and have a voice, they then have a solid connection to the court system. Different communities have different problems – there is no one-size-fits-all model. In order to instill public trust and confidence, respect for the law, and economic stability, courts need to know what the public thinks about the Court.

Public trust and confidence are essential to all courts. The judicial branch of government is charged with protecting the constitutional rights of individuals. And compliance with the law depends, to a substantial degree, on public respect for the courts and the perceived legitimacy of the judicial process. How does a court achieve public trust and confidence? The most obvious way is education, but a court also must connect with and engage with the community it serves. Court and community collaboration enhances public confidence in the courts.

Community outreach consists primarily of two parts: (1) public education and (2) dialogue with the community on improving the court. When educating the community about the court, the focus should be on the role of judges and court staff; the role of jurors; the role of attorneys as officers of the Court; the independence of the judiciary as a branch of government; judicial decision making; the basic principles of criminal justice; the basic principles of civil justice; the rule of law; the role of law enforcement in relation to the courts; the role of appellate courts; the distinction between state and federal courts; the judicial appointment process and the importance of merit selection; and basic court procedures. To improve public understanding of the court, it is important to take action at a local level. Every community member that the court comes into contact with has the potential to serve as an educator about the judicial system to his or her peers.

The benefits of court and community collaboration are many:

- Reconciling the bench and the public: Affords a means to influence public opinion at the local level through education and by becoming more accessible, fair, timely and accountable.

- Strengthening judicial independence: Provides a forum for an ongoing informal exchange, thus allowing judges to respond to unfair attacks and misperceptions of the judicial role.
- Attracting new resources and strengthening communities: Provides the Court with talents and energy of volunteers and creates a unique vehicle for addressing local problems.
- Accommodating diversity: Provides an opportunity for judges and court staff to access and become sensitive to the distinctive perspectives and concerns of racial, ethnic and class groups. Court and community collaborations facilitate a meaningful dialogue between the judiciary and groups traditionally estranged from the justice system.

This Court engages the community by meeting with community agencies and advocacy groups locally known and recognized. The Court connects with the community through the CourtTalk Program. This program is essentially a speaker's bureau designed to educate and inform the community about the justice system. A speaker is provided to present thought-provoking and important information appropriate to the audience. Judges, commissioners and court administrators are available to speak to school groups, civic organizations, service clubs or professional associations.

Another way this Court connects with the community is through community forums. Community forums are community meetings that provide an opportunity for the public to meet with judges and court personnel. Issues and concerns affecting our families, youth and community are discussed in an open and informal environment. Most recently, the forums have

been held in county-wide community college meeting rooms. Regular meetings with media representatives and various editorial boards are also held to discuss current issues and concerns.

In 2005, the Court began to hold community forums as a means to have open communication between judicial officers, administrators and members of the public. The first community forums in 2005 were held in several county-wide courthouses. Unfortunately attendance was low. In 2006, a partnership was formed with local community colleges. Community forums were held at community colleges in 2006, 2007 and 2008. Attendance, which mostly included students, reached a high of number of attendees. At the end of a three-year period, the Court realized that given the extensive time and effort put into organizing three to four forums per year, there had to be a better way to reach a broader audience more effectively. The Court recognized that its message was reaching limited audiences and that it could not rest on the success of its forums alone. In an effort to explore ways to take its message and its judges out into the community it serves, it began to explore the idea of using social media tools.

In addition, the Court has updated its website and prepared an annual report that presents detailed operational data on the Superior Court, Justice Courts, and Adult and Juvenile Probation Departments, and that highlights many of its programs and services. The Court's Media Relations and Community Outreach Department creates brochures featuring court programs and services. One of the most comprehensive publications is "Answers at a Glance," which details frequently asked questions unique to Maricopa County Courts. Brochures are also available on the Court's website. The department also produces news releases and newsletters highlighting events and programs occurring within the judicial system. (See Appendix 4 for other community outreach efforts.)

“As we look to the future, the importance of court/community relations is more evident than ever before. Alexander Hamilton wrote in *The Federalist* (1787) that: ‘...the ordinary administration of criminal and civil justice contributes more than any other circumstance, to impressing upon the minds of the people, affection, esteem, and reverence towards the Government.’⁴

“In America, the forbearers created a constitution that reflects the diverse needs of the public and that is accountable to the citizens of the United States. Like other branches of government, the judiciary must strive to inform, educate, and be responsive to the needs of the public.”⁵

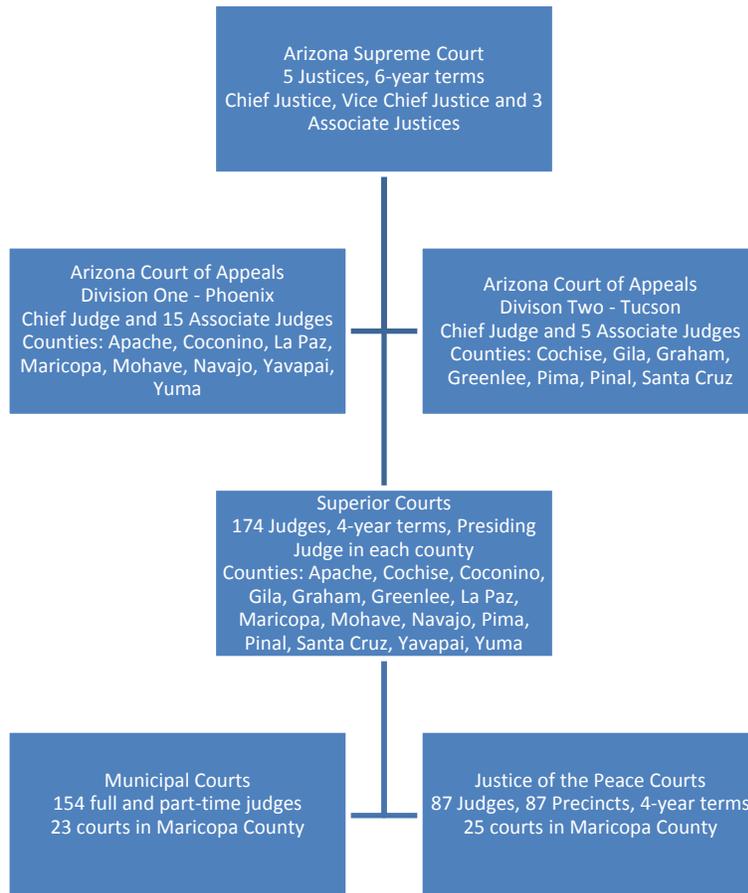
Arizona’s court system has three levels (see Chart 1 below) limited, general jurisdiction and appellate. The Arizona Supreme Court is the highest court in the state with an intermediate appellate level. There is one Superior Court in the State in 15 counties. Maricopa County (<http://www.superiorcourt.maricopa.gov>)⁶ is the fourth largest trial court in the United States. It consists of 95 judges, 59 commissioners, 2,800 employees and 13 courthouses. The county’s population is 4,023,132 (a population increase of 31 percent from April 1, 2000 to July 1, 2009) with 61 percent of Arizona’s population residing in Maricopa County. Maricopa County’s total filings in FY 2010 were 192,303.

⁴ *Developing Comprehensive Public Information Programs for Courts* (National Association for Court Management, June, 1996), page 2.

⁵ See note 3 above.

⁶ In FY 2010, the Court’s website had 2,444,072 visitors.

Chart 1: Judicial Structure



Because the Court and the county it is located in are large, both geographically and by population, it is important to be able to notify media of rulings and updates on high-profile cases quickly.

In addition, educating the public about what the Court does and the services that it provides are equally important. Given today's realities, court professionals need to ensure that media coverage of their courts is accurate and balanced and that it portrays the courts in a

positive and fair light.⁷ Courts also need to reach younger audiences, including the next generation of reporters covering court events.

Speed of communication is clearly an advantage when using social media. By using Twitter there is “real-time” communication by Court Public Information Officers (PIOs), which provides immediate release of information instead of delayed press releases. This also leads to fewer phone calls to and from the media and the public, and greater customer satisfaction.

In February of 2011, this researcher attended a program hosted by The University of Arizona’s Rehnquist Center titled “Public Understanding of the Courts in the Age of New Media.” The panels included judges, policy experts and some journalists. According to Tim Eigo, Editor of *Arizona Attorney Magazine*, who wrote about the event on his azatty blog, “The presentations I saw were quite good. But they also put me in mind of how advanced Arizona already is in terms of some the topics addressed. For instance, while other jurisdictions wrestle with media in the courtroom and developing media-use policies for jurors, many of our courts have had such policies in place for years.”⁸ (Rule 122, Arizona Supreme Court Rules) (Appendix 4) In his blog, Tim Eigo included a few Tweets from conference attendees. The following Tweet struck this researcher: “For many years, many judges said court reporting got it wrong. Now, judges bemoan lack of reporters in the courtroom.” Although the Court still entertains a significant number of camera requests (Electronic and Photographic Coverage Courtroom Guidelines) (Appendix 5), and reporters will still sometimes come to sit in the gallery of courtrooms for high-profile cases, the number of reporters in the Court has decreased based on

⁷ *Media Guide*, (National Association for Court Management, July, 1994, page 1.

⁸ Tim, Eigo, AZ Attorney (blog). <http://azatty.wordpress.com/2011/02/25/new-media-and-courts/>.

the Court's use of Twitter. Feedback from local Phoenix reporters indicates that they frequently monitor the Court's Twitter feed for information on high-profile cases.

LITERATURE REVIEW

What Is Social Media?

Social media are media for social interaction, using highly accessible and scalable publishing techniques. Social media use web-based technologies to transform and broadcast media monologues into social media dialogues.⁹ Andreas Kaplan and Michael Haenlein define social media as "a group of Internet-based applications that build on the ideological and technological foundations of Web 2.0, and that allow the creation and exchange of user-generated content."¹⁰ Social media web-based technologies are accessible and able to transform people from content users to content producers. There is valuable content to be found deeper in the social Web - Facebook and MySpace are just the tip of the iceberg. Just as it handicaps attorneys and the justice system to totally ignore social media, so too can overreliance on superficial levels of social media prove strategically counterproductive.¹¹ There are many opportunities for community outreach via the social media landscape. For instance: access to court services, self-help forms, public information, seminars for the public, new court services, awards, special projects, volunteer opportunities and job openings.

It is important to distinguish between new media and social media; they are not the same. "Old media" is the traditional media such as newspapers, books, television and radio. "New media" is everything that is technologically new, such as audio, video and text publication.

⁹ Mark Stelzner, "Social Media vs. Social Networking: What's the difference?" *Networking Examiner*, 22 May 2010, <http://www.examiner.com/blog/> (accessed 12 July 2010).

¹⁰ Andreas M. Kaplan, Michael Haenlein, Users of the world, unite! The challenges and opportunities of social media, *Business Horizons*, Vol. 53, Issue 1,(2010) p. 59-68.

¹¹ Anthony, Philip K., and Christine Martin. "Social Media Going to Court." *Law Technology News*. February 3, 2009. <http://www.law.com/jsp/lawtechnologynews/PubArticleFriendlyLTN.jsp?id=1202427941512/> (accessed August 1, 2010).

Social media, a sub-set of new media, is interactive media – it requires the interaction and participation of others.

Social networking is a tool and a utility for connecting with others. Twitter and Facebook are Web 2.0 sites with the whole package. They straddle the social media and social networking divide perfectly.¹² Social media are tools for sharing and discussing information. Social networking is the use of communities of interest to connect to others. Those interested may use social media to facilitate social networking.

Social media are generally accessed through home and office computers, laptops, netbooks, tablet personal computers (such as iPads), Personal Digital Assistants (PDAs), cell phones, smart phones and web television.

Social media allow for instant monitoring and are an important tool that courts may utilize. Social media is here, and courts must stay current if they are to be fully transparent and accountable to the public. According to the Nielsen Company (2010), more people than ever are using social-media tools, and also spending more time on these sites. Use grew 82 percent in December 2009 compared to the previous year, equating to an average of more than 5½ hours per person, per month using social media. Fundamentally, the rapid rise in the popularity of social media is rooted in the fact that these tools enable person-to-person communication on a massive scale at virtually no out-of-pocket expense.¹³

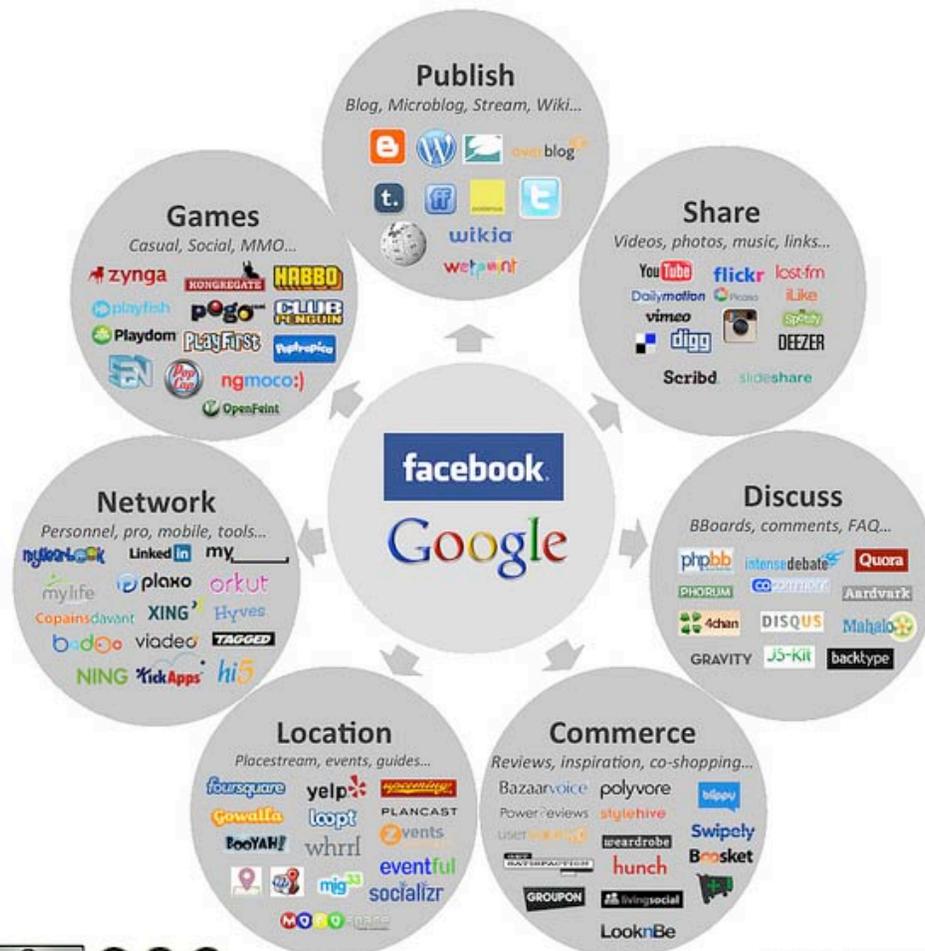
¹² Mark Stelzner, “Social Media vs. Social Networking: What’s the difference?,” *Networking Examiner*, 22 May 2010, <http://www.examiner.com/networking-in-national/social-media-vs-social-networking-what-s-the-difference/> (accessed 12 July 2010).

¹³ Travis Olson and Christine O’Clock, “The Role of Social-Networking Tools in Judicial Systems,” *Future Trends in State Courts 2010*, (2010), 1.

The chart below illustrates the enormous variety of social media opportunities that are currently available. Social media outlets currently being used in the Court are Twitter and Facebook. The Court decided to use only Facebook and Twitter because they have more active users than similar social media sites.¹⁴ Facebook and Twitter are the most accessible applications via Blackberry, which allows for Court PIOs to update the media and community when in a courtroom.

Chart 2: Social Media Landscape

Social Media Landscape 2011



¹⁴ Wikipedia http://en.wikipedia.org/wiki/Social_networking_site.

Twitter

Twitter is a social networking and microblogging¹⁵ service, owned and operated by Twitter Inc., which enables its users to send and read other user messages called *tweets*. Tweets are text-based posts of up to 140 characters displayed on the author's profile page. Tweets are publicly visible by default; however senders can restrict message delivery to their friends list. Users may subscribe to other author's tweets—this is known as *following* and subscribers are known as *followers*. Twitter officially launched on July 15, 2006. As of September 14, 2010, Twitter had 175 million registered users, and 95 million tweets written per day.¹⁶

In a recent survey from the Pew Research Center's Internet & American Life Project that exclusively examined Twitter users, it was found that 8 percent of the American adults who use the internet are Twitter users. It is an online activity that is particularly popular with young adults, minorities, and those who live in cities. It is one of the most popular online activities among tech enthusiasts and has become a widely used tool among analysts to study the conversations and interests of users, "buzz" about news, products or services, and announcements by commercial, non-profit, and government organizations.¹⁷

¹⁵ Microblogging is a form of multimedia blogging that allows users to send and follow brief text updates or micromedia, such as photos or audio clips, and publish them on a website for viewing by everyone who visits the website or by a restricted group. Microbloggers can submit messages a variety of ways, including text messages, instant messaging, email or digital audio.

¹⁶ Twitter, "About," *Twitter*, <http://twitter.com/about> (accessed December 15, 2010).

¹⁷ Smith, Aaron, and Lee Rainie. "Who Tweets?" *Pew Research Center Publications*. December 9, 2010. <http://pewresearch.org/pubs/1821/twitter-users-profile-exclusive-examination> (accessed December 15, 2010).

Facebook

Facebook is a social networking website launched in February 2004 that is operated and privately owned by Facebook, Inc., with more than 500 million active users as of July 2010.¹⁸ Users can add people as friends and send them messages, and update their personal profiles to notify friends about themselves. According to Facebook's Press Room, 50 percent of active users log on to Facebook in any given day, the average user has 130 friends and people spend more than 700 billion minutes per month on Facebook.¹⁹ In addition, users can join networks organized by workplace, school or college. (The website's name stems from the colloquial name of books given to students at the start of the academic year by university administrations in the United States with the intention of helping students to get to know each other better.) Facebook allows anyone who declares themselves to be aged 13 or older to become a member of the website. There are more than 900 million objects that people interact with (pages, groups, events and community pages). The average user is connected to 80 community pages, groups and events and creates 90 pieces of content each month. More than 30 billion pieces of content (web links, news stories, blog posts, notes, photo albums, etc.) are shared each month.²⁰ There are more than 200 million active users currently accessing Facebook through their mobile devices; People who use Facebook on their mobile devices are twice as active on Facebook as non-mobile users.²¹

There are many benefits to using Facebook. The user base is huge, and that means many court customers and constituents are already on Facebook. It is also easy to use. The downside to using Facebook is that users have limited ability to customize their fan page, fan pages do not

¹⁸Brad Dickerson, "Private versus public in the social network age," *Highlands Today* (2010), par. 1, <http://www2.highlandstoday.com/content/2010/jun/25/> (accessed 29 June 2010).

¹⁹Facebook, "Statistics," *Facebook Press Room*, <http://www.facebook.com/press/info.php?statistics> (accessed January 12, 2011).

²⁰ See note 12 above.

²¹ See note 12 above.

have email alerts so users must check to see if there is any activity, and it is a closed environment, which means only Facebook users can become fans or friends of an organization that establishes a Facebook page.²²

Social Media and the Courts

According to information presented at the Court Technology Conference in 2009, social media are important to courts because individuals trust word-of-mouth, person-to-person communication over all other forms of communication; people are talking about your court; judicial awareness of social media can prevent pitfalls; traditional media are being replaced by online social media; and engagement leads to better relationships with the legal community and the public.²³

In 2009, the Conference of Court Public Information Officers (CCPIO) undertook a year-long national research project systematically examining new media and analyzing its potential effects on court proceedings, transparency and media coverage of the courts. The New Media Project had five primary objectives: (1) clearly define new media technology; (2) systematically examine ways that courts are using the technology and the ways that technology is impacting the courts and media coverage of the courts; (3) empirically measure the perceptions of judges and top court administrators toward the technology; (4) collect and analyze academic literature on new media effects; and (5) offer analysis and recommendations for judges and court administrators to utilize when making decisions about new media.²⁴ Information gathered by

²² Constant Contact Online, "Getting Started with Social Media," *Constant Contact*, <http://img.constantcontact.com/docs/pdf/get-started-building-your-social-media-presence.pdf>.

²³ Travis Olsen and Christine O'Clock, presentation "Social Networking Tools for Courts," Court Technology Conference, 2009.

²⁴ Chris Davy, "Putting Social Media to Work for the Court," *The NACM Media Guide for Today's Courts*, July 2010.

CCPIO in *The New Media Project*, although significantly more broad in scope than this project, provides valuable information relating to the topic of this paper.

One of the recommendations of the New Media Project²⁵ included a component to develop tools, including keeping the CCPIO New Media Committee as a standing committee to develop online resources, checklists, best practices and other tools for courts responding to and managing new media.

Traditional media are being replaced by online social media. It is the hope of the Court to eventually eliminate the use of formal press releases (except in special circumstances) and to communicate with the media and the community it serves through only Twitter and Facebook and through the Web 3.0 tools that have yet to be developed. Journalists are Tweeting, blogging and uploading other news content through their mobile devices. With society's desire for nearly instantaneous news, reporters want to sit in the gallery of a courtroom and instantly track and report on every twist and turn of a case through the variety of reporting methods that mobile devices offer.²⁶ (Currently, the Court's security department does not confiscate cell phones from the public entering court buildings, even if the phones are equipped with cameras.)

Using social media for public education and outreach is a significant way to reach a large group of the public.²⁷ Opportunities for community outreach include: access to court services, self-help forms, public information, seminars for the public, new court services, awards, special projects, volunteer opportunities and job openings. The Court's Facebook page is frequently updated with just such items.

²⁵ Chris Davey, "The New Media Project of the Conference of Court Public Information Officers," *Future Trends in State Courts 2010*, (2010), 1. C. Flango, A. McDowell, C. Campbell, and N. Kauder. *Future Trends in State Courts 2010* (Williamsburg, VA: National Center for State Courts, 2010).

²⁶ Nora Sydow, "Can You Hear Me Now?" *The Court Manager* 25, no. 2 (2010), 46.

²⁷ Mari Smith, "21 Creative Ways to Increase Your Facebook Fanbase," *Social Media Examiner* (2010).

The Negative Side of Social Media and the Courts

There is a potential for pitfalls for courts using social media. These challenges create a need for unique policies. Here are some examples:

A lawyer has been disbarred for blogging while serving as a juror.²⁸ Also, a new trial was sought because five jurors became Facebook friends and changed jury dynamics.²⁹ A defendant “tweeted” during trial.³⁰ Jurors texted during trial and chatted with the bailiff and the prosecutor posted a “ditty” about the trial on Facebook.³¹ A North Carolina judge was publicly reprimanded by the state’s Judicial Standards Commission because the judge became a Facebook friend of an attorney appearing in a case before the judge, and the two men exchanged a few brief online comments regarding the proceeding.³² Kristine A. Peshek lost her job because of her social media use. She was an assistant public defender in Illinois who blogged about the cases she worked on. Because she allegedly revealed confidential client information, Peshek was dismissed and then charged with violating legal ethics.³³

An increasing number of attorneys are running afoul of professional conduct rules when they use social media. One reason is that more attorneys are using social media such as blogs, Facebook and Twitter. The ABA’s 2010 *Legal Technology Survey Report* found that 56 percent of attorneys in private practice have a presence in an online social network like Facebook,

²⁸ Martha Neil, “Calif. Lawyer Suspended Over Trial Blogging While Serving as Juror,” *ABA Journal*, (2009) <http://www.abajournal.com/news/article/> (accessed 22 Jun 2010).

²⁹ Debra Cassens Weiss, “Jurors’ Wikipedia Research, Friending at Issue in Two Md. Cases,” *ABA Journal* (2009) <http://www.abajournal.com/news/article/> (accessed 22 Jun 2010).

³⁰ Molly McDonough, “First Jurors, Now Defendants Tweet Mid-Trial,” *ABA Journal*, (2010) <http://www.abajournal.com/news/article/> (accessed 22 Jun 2010).

³¹ Martha Neil, “‘Trial From Hell’: Prosecutor Posts on Facebook; Jurors Text; Bailiff Chats in Deliberations,” *ABA Journal*, (2010) <http://www.abajournal.com/news/article/> (accessed 22 Jun. 2010).

³² Steven Seidenberg, “Seduced: For Lawyers, the Appeal of Social Media is Obvious. It’s Also Dangerous,” *ABA Journal*, 1 Feb. 2011, <http://www.abajournal.com/magazine/article/> (accessed 26 Jan. 2011).

³³ See note 32 above.

LinkedIn, LawLink or Legal OnRamp. Only 43 percent had such an online presence in the center's 2009 survey, and 15 percent in 2008.³⁴

A local prosecutor in Mobile, Alabama, wrote in a court document her concern with how the Internet is affecting a local murder case. The judge in the case was worried about how the era of instant communication would disrupt the proceedings and did not allow any electronic messaging from inside the courtroom. In reference to the murder case, Baldwin County District Attorney Hallie Dixon wrote in a court document that social media websites, like Twitter, allowed reporters to detail courtroom proceedings. She called the coverage “an unusual development in the historical interaction between the press, the courtroom, and the public.”³⁵

Another potential social media pitfall includes improper use of social media by jurors and witnesses during trial. Overcoming this pitfall includes awareness of technology by judges and courtroom staff and updating jury and witness instructions to specifically outline guidelines for social media use. In addition, judges should remind counsel to advise the judge of potentially improper online communication by jurors or witnesses. Another potential problem is journalist requests for live in-courtroom reporting using online social media tools. Proactively reviewing and updating existing media policies to incorporate social media guidelines can help mitigate this pitfall. Improper use of social media by court employees is another potential social media pitfall. Court administrators may address this pitfall by establishing clear policies restricting employee

³⁴ See note 32 above.

³⁵ Hubert Tate, “Twitter Affecting Judicial Proceedings?” *Fox10TV.com*, http://www.fox10tv.com/dpp/news/local_news/mobile_county/twitter-affecting-judicial-proceedings (accessed 7 Feb. 2011).

discussions about internal court operations and educating staff about these policies and their responsibilities as court employees.³⁶

In *Aguilar v. State*, 224 Ariz. 299, 230 P.3d 358 (Ct. App. 2010), a bailiff discovered “extraneous documents” in the foreman’s notebook. The bailiff reported this find to counsel, at which point a motion for a new trial followed and an evidentiary hearing was held. It was found that the foreman “Googled” “first degree murder Arizona,” printed the Internet definitions, and brought them into the jury room. In addition, juror number nine researched “premeditation.” The jurors discussed and considered these definitions. These definitions were “significantly different” from the Court’s instructions. The Court found that the defendant was entitled to a new trial because it could not be concluded beyond a reasonable doubt that the extraneous information did not contribute to and taint the verdict.

In December of 2010, an Ohio Supreme Court panel issued a comprehensive set of recommendations for judges and justices who use Facebook, Twitter and other social-networking sites. The panel concluded that it is acceptable to use those social-networking sites as long as judges are careful not to discuss cases or other legal matters and to refrain from posting any comments or photographs that would undermine public confidence in the judiciary.³⁷

³⁶ See Note 27 above.

³⁷ James Nash, "State sets social-networking rules for judges," *The Columbus Dispatch*, 9 Dec. 2010, <http://www.dispatchpolitics.com> (accessed 29 Dec. 2010).

METHODS

The methods used for this research involved a literature review, three surveys, and data analysis.

On October 19, 2010, test surveys were sent out to ensure the questions were understandable to the target audience. A link to all three surveys was sent via email to eight colleagues. There were two collected responses on the Social Media and the Court survey. No changes were made to the three surveys. On October 28, 2010, all three surveys were made available to the targeted audience, and responses closed on November 29, 2010.

Survey 1: “Social Media and the Court”: This survey was distributed by email to 153 judicial officers. Reminders were sent as needed. There were 76 collected responses, resulting in a response rate of 50 percent.

Survey 2: “Use of Superior Court of Arizona in Maricopa County’s Facebook Page”: This survey was posted to the Court’s Facebook page and meant for the Court’s users, i.e., those who “like” the Court on Facebook. The Court’s Facebook page had 410 followers in October of 2010, and 25 responses were collected, resulting in a response rate of 6 percent. As of February 4, 2011, the Court had 520 people who “like” the page.

Survey 3: “Media Use of Superior Court of Arizona in Maricopa County’s Twitter Feed”: This survey was sent via email to the Court’s media distribution list as well as “tweeted” on the Court’s Twitter feed. There are 58 people on the Court’s distribution list, and the Court had 512 followers in October 2010 on Twitter. There were 24 collected responses, resulting in a response rate of 41 percent. As of February 4, 2011, the Court had 702 followers.

FINDINGS ON SOCIAL MEDIA AND THE COURT SURVEY

Electronic surveys were sent to all of the Court's judicial officers. Out of 153 judicial officers, 76 responded to the survey. Survey results indicate that the majority of judicial officers are not currently using social media and are, for the most part, not interested in learning about social media and how to use social networking tools. The majority of judicial officers indicated privacy and ethical concerns as reasons for not using social media. Judicial officers were neutral when asked if social media are necessary tools for public outreach, but did agree that courts as institutions can use social media without compromising ethics. Judicial officers were again neutral with respect to whether using social media to release information to the public is a good idea. The majority of judicial officers indicated that they go to the Court's website for information.

Survey results indicated that a majority of respondents were 46 to 65 years of age. A majority also indicated that Facebook was the most commonly used social media site and use was of a personal nature; however, a large percentage also indicated that they do not use social media at all. Also a large percentage of respondents indicated that they were neutral or disagreed that social media are necessary tools for public outreach. Respondents were evenly split between agreeing and neutral when asked if courts as institutions can maintain social media profile sites without compromising ethics and if using social media to release information to the public is a good idea. Findings point to a strong belief that the Court should not be using Facebook or Twitter primarily due to the risk for misinformation and ethical concerns. Survey results indicated that respondents, in this case judicial officers, never visit the Court's Facebook page or monitor the Court's Twitter feed.

It is worth noting that surveys were sent out only eight months after the Court began using social media. The Court's judicial officers, staff, website users and media were notified that the Court began using social media via the Court's monthly newsletter, court wide and general emails and word of mouth. The specific results of this survey are in Appendix 7.

FINDINGS ON FACEBOOK SURVEY

This survey was posted to the Court's Facebook page. In October of 2010, the Court's Facebook page had 410 Facebook users who "liked" the page and there were 25 collected responses, resulting in a response rate of 6 percent. It may have been more informative to ask if the Court's Facebook feed was active on users' news feed or hidden. Clearly, the Court's Facebook users read the Court's Facebook posting given the number of impressions.³⁸

Survey results indicated that the majority of respondents were between the ages of 36 and 65 and either sometimes or seldom checked the Court's Facebook page; however, respondents frequently checked Facebook in general. Respondents were neutral when asked if the Court generated an adequate amount of posts on Facebook, received adequate information, and if they found the Court's Facebook page more useful than its website. It is interesting to note that the majority of respondents indicated that they would like to receive news items from the Court via its Facebook page; however, the majority also indicated the first place they went to find information about the Court was its website. When asked what kind of information they would like to see on the Court's Facebook page, the responses varied from events, current news updates, job openings to emergency information about things happening at the Court. These are specifically the types of items that are posted on the Court's Facebook page.

The majority of respondents equally indicated that they sometimes and seldom monitored the Court's Facebook page. The respondents equally indicated that they generally monitored Facebook. Respondents were equally neutral in indicating that the Court generated an adequate volume of posts on its Facebook page, received adequate information from the Court's Facebook

³⁸ Impressions are the raw number of times a story has been seen on a Facebook page "Wall" and in the "News Feed" of the "Fans" of the particular Facebook page.

page, and found the Court's Facebook page more useful than its website. Similar to the judicial officers who took the Social Media and the Court Survey, Facebook users who took the Facebook Survey indicated that the first place they go to find information on the Court is the Court's website. The results of this survey are in Appendix 8.

FINDINGS ON MEDIA USE OF TWITTER SURVEY

This survey was sent via email to the Court's media distribution list as well as tweeted on the Court's Twitter feed. There were 58 people on the Court's distribution list, and the Court had 512 followers in October 2010 on Twitter. There were 24 collected responses; a response rate of 41 percent. The majority of respondents indicated that they monitored the Court's Twitter feed more than once an hour in addition to generally monitoring Twitter itself.

Survey results indicate that the respondents were between the ages of 26 to 55 (generally younger than the respondents from the other two surveys) and that local media follow the Court's Twitter feed for breaking news and go to its website for specifics. Respondents indicated that they frequently monitor the Court's Twitter feed and that they would like to continue receiving news items via the Court's Twitter feed. Respondents who took this survey indicated that they never visit the Court's Facebook page.

Much like the other two surveys, media respondents in this survey indicated that the first place they check for information on the Court is its website. It's important to note that the majority of "tweets" and Facebook page posts direct the reader to the Court's website for further information. By "tweeting," the Court's followers know about case updates, when videos have been uploaded to the Court's website, and so forth. This helps the Court's followers not to have to check the Court's website regularly. The results of this survey are in Appendix 9.

Based on survey results, this researcher was unable to fully ascertain whether the public and or consumers most frequently acquire their news and or information via social media, printed news or broadcast news outlets.

CONCLUSIONS AND RECOMMENDATIONS

For years courts have had to communicate with the community it serves; this community includes the media. Traditional media are being replaced by online social media. Many courts have recently started using social media as a means to communicate with the public. While there are pitfalls that courts may encounter, the benefits are many.

CONCLUSION 1: Changes need to be made to how the media receives its information and the Court's Social media can help, if used effectively.

The media has always been keenly interested in receiving timely information about the status of newsworthy cases, such as the scheduling of upcoming hearings, the issuance of a judicial ruling, the return of a jury verdict, and the results of a sentencing. Prior to implementation of the Court's Facebook page and Twitter account, information about the Court was distributed to the media and the community in traditional methods, including: press releases, emailed to media and posted on the Court's website; news flashes posted on the Court's website; "high-profile" case list with status updates posted on the Court's website; and a "Court Rulings" page on the Court's website for posting minute entry rulings in high-profile cases. Court employees also have received information about the Court in traditional methods of communication, such as an electronic newsletter emailed to court employees and posted on the Court's website and daily news clips, gathered and included in an email to court employees each workday morning (a delay of as much as 24 hours after the news story was originally posted). The drawback to these types of communication for today's journalists is that someone in their agency must constantly monitor the Court's website to obtain much of the information that is available. Court employees and members of the public must do the same. There is also a delay

in posting information by Court PIOs who may attend a hearing, but must return to their offices at the conclusion of a court proceeding in order to post information on the Court's website.

RECOMMENDATION 1 A: Continue to use and upgrade the social media vehicles that are in place.

Establishing a YouTube channel for the Court might be another step into social media that would benefit the Court. The Court could post short how-to segments on how to get a protective order, among other topics that the local media generally does not cover.

RECOMMENDATION 1 B: Administer a short survey among Court users of Facebook and Twitter to find additional ideas on how these tools can be improved for Court users.

Asking the Court's current users of its Facebook page and Twitter feed to determine what is working well and what can be improved might be an effective way to improve upon what is currently being done.

CONCLUSION 2: Judicial officers are not currently using social media in the Court and for ethical and privacy reasons do not want to use it. They do go to the Court's website for information.

Out of 153 judicial officers, 76 responded to the survey. Survey results indicate that the majority of judicial officers are not currently using social media and are, for the most part, not interested in learning about social media and how to use social networking tools. The majority of judicial officers indicated privacy and ethical concerns were there reasons for not using social media. Judicial Officers were neutral when asked if social media are necessary tools for public outreach, but did agree that courts as institutions can use social media without compromising ethics. Judicial Officers were again neutral with respect to whether using social media to release

information to the public is a good idea. The majority of judicial officers indicated that they go to the Court's website for information.

Survey results indicate that the majority of judicial officers are not currently using social media and are, for the most part, not interested in learning about social media and how to use social networking tools.

RECOMMENDATION 2 A: Find ways to educate judicial officers on the benefits of the Court's use of social media.

Findings point to the need to educate judicial officers on the Court's Twitter feed and Facebook page and the advantages of their use. Many judicial officers were not aware that they did not need to be Facebook users to view the Court's Facebook page. As a direct result of the survey, judicial officers were sent a link they could use that would allow them to view the Court's Facebook page without having to be a member of Facebook. While judicial officers have been informed of the Court's Twitter and Facebook pages, more outreach and perhaps even personal attention to the bench is needed to show the value of the Court's Twitter and Facebook use.

RECOMMENDATION 2 B: It is important to increase the awareness among the Court's judicial officers as to the benefits of social media.

While most news items are currently posted on Facebook, the posts generally direct the reader to the Court's website for detailed information. Judicial Officers indicated privacy and ethical concerns as the reasons for why the Court should not use Facebook and Twitter. One-on-one education with the bench may be warranted – communicating with the bench that they do not have to have a personal Facebook account to periodically monitor the Court's Facebook page as

well as showing them examples of posted items that are on the Court’s Facebook page. It is important to increase the awareness among the Court’s judicial officers as to the benefits of social media.

RECOMMENDATION 2 C: Consider using the following in educating the Court’s judicial officers on the benefits of social media:

1. Judicial officers who are “super-users” could be encouraged to become champions of social media in the Court.
2. Provide judicial officers with training that covers a basic introduction to social media. This training would provide information on the features of the types of social media used by the Court, as well as some basic how-to information for judicial officers who might be interested in using social media personally or professionally. Also included would be information on the precautions, such as the Court’s social media policy, that the Court uses in its social media efforts to avoid ethical and privacy concerns.
3. Provide judicial officers with training on the ways that the Court uses social media. This would include specific examples on how the Court uses social media to accomplish the following goals:
 - Community outreach;
 - Share awards and recognitions received by the Court, judicial officers and staff;
 - Share information on new judicial officers, retirements, etc.
 - Provide Court facility information;
 - Provide information on Court workshops, programs, etc.

- Advertise Court jobs;
 - Share reports, newsletters, new website features, other communication efforts, etc., and,
 - Share high-profile case information.
4. Provide judicial officers with specific examples of how the social media efforts have resulted in positive outcomes for the Court.
 5. Allow judicial officers the opportunity to share their concerns in a constructive forum, with the goal of finding possible ways to address their concerns while still continuing the Court's use of social media.

CONCLUSION 3: Facebook users who took the Facebook Survey indicated that the first place they go to find information on the Court is the Court's website.

The majority of respondents equally indicated that they sometimes and seldom monitored the Court's Facebook page. The respondents equally indicated that they generally monitored Facebook. Respondents were equally neutral in indicating that the Court generated an adequate amount of posts on its Facebook page, received adequate information from the Court's Facebook page, and found the Court's Facebook page more useful than its website. Much like the Judicial Officers who took the Social Media and the Court Survey, Facebook users who took the Facebook Survey indicated that the first place they go to find information on the Court is the Court's website. It may have been more informative to ask if the Court's Facebook feed was active on users' news feed or hidden.

RECOMMENDATION 3: Look for additional ways to improve the Court's website.

If the Court's website is an entry point for information on the Court it is critical that it continues to improve and be updated. It should be an easy access point for the social media tools that are available to Court users. A continued effort in posting timely and informative news items is indicated. According to the Court's Facebook "insights," on February 17, 2011 a news item titled "Judicial Officers Volunteer for Arizona StandDown," a news item detailing the Court's volunteer efforts at a three-day event that connected homeless and at-risk military veterans with services, 1,017 impressions were noted. In addition, news posts that contained photos were more often viewed than those that did not contain photos. It is important to note that the majority of "tweets" and Facebook page posts direct the reader to the Court's website for further information.

There are two types of Facebook Insights:³⁹ User Insights, which are total page "likes", or a number of fans, daily active users, new Likes/Unlikes, Like sources, demographics, page views and unique page views, tab views, external referrers and media consumption; Interactions Insights, which is the daily story feedback (post "likes", post comments, per post impressions⁴⁰), daily page activity (mentions, discussions, reviews, wall posts, video posts). There is a lot of data offered, but you want to sort through it and identify what information is meaningful and will help you make decisions about your engagement and content strategy.⁴¹ An insight the Court tracks is the number of fans at the beginning of each month to see what growth looks like. (Appendix 6)

CONCLUSION 4: A continued effort in posting timely and informative news items on Facebook is indicated.

³⁹ Facebook provides Facebook page administrators with metrics around the content posted.

⁴⁰ Impressions are the raw number of times a story has been seen on a Facebook page "Wall" and in the "News Feed" of the "Fans" of the particular Facebook page.

⁴¹ Ekaterina Walter, "A Beginner's Guide to Facebook Insights," *Mashable*, <http://mashable.com/2010/09/03/facebook-insights-guide/> (accessed 7 Feb 2011).

Survey results indicate that the majority of respondents were neutral when asked if the Court generated an adequate amount of posts on its Facebook page. A majority of respondents indicated they were neutral when asked if the Court's Facebook page was more useful than its website and whether or not the Court's posts helped guide the respondent to more in-depth information on Court programs. Seventy one percent of respondents indicated that they wanted news items from the Court posted on its Facebook page.

RECOMMENDATION 4: Consider amending the Court's policy and guidelines on social media to make Facebook more interactive and therefore more interesting to followers.

Amending the current policy and guidelines to allow Court users to comment on the Court's Facebook page could lead to unwarranted criticism and the need to respond and comment in a timely manner.

CONCLUSION 5: Most media users monitor the Court's Twitter feed for breaking news frequently; some as much as once an hour.

Based on survey results, the Court's Twitter feed is very successful. The Court's PIOs frequently "tweet" throughout the day. Based on word-of-mouth feedback, all local media outlets follow the Court's Twitter feed and appreciate the instant communication of high profile matters and other news events that happen at the Court. By "tweeting," the Court's followers know about case updates, when videos have been uploaded to the Court's website, and when court rulings have been posted on the Court's website. This eliminates the need for the Court's followers to constantly check the Court's website.

RECOMMENDATION 5: Continue to use and improve upon the Court's Twitter feed. Consider adding some additional Twitter feeds.

Based on word-of-mouth feedback, all local media outlets follow the Court's Twitter feed and appreciate the instant communication of high profile matters and other news events that happen at the Court.

Additional Twitter feeds might include:

1. A feed dedicated to facility issues at all Court locations. Advise followers of Court building closings, construction issues, etc.
2. A feed dedicated to events being held at Court locations.
3. A feed dedicated exclusively to Court cases, such as high profile matters.

APPENDICES

Appendix 1: The Court's Twitter Page



Appendix 2: The Court's Facebook Page

The screenshot shows a Windows Internet Explorer browser window displaying the Facebook page for the Superior Court of Arizona in Maricopa County. The browser's address bar shows the URL: <http://www.facebook.com/pages/Superior-Court-of-Arizona-in-Maricopa-County/324889836882>. The Facebook header includes the 'facebook' logo, a login form with fields for 'Email' and 'Password', and a 'Login' button. Below the header, there is a 'Sign Up' button and the text 'Facebook helps you connect and share with the people in your life.' The main content area features a profile picture of a gavel and the text 'Superior Court of Arizona in Maricopa County' with a 'Like' button. Below the profile picture, there is a 'Wall' section with a post from the court. The post text reads: 'On March 29 the Law Library will be offering a one hour class for the general public on how to find legal resources on the internet. Legal Information on the Internet will cover how to find reliable websites as well as popular legal search engines and web pages. Seating is limited and registration is required. Please call 602-506-3461 to reserve a place.' The post is dated 'March 8 at 7:00am' and has two likes from 'Jim Elson and Jennifer Demetrias'. Below the post, there is another post titled 'Pro Tems Learn the Nuances of Tax Court' with a brief description: 'A forum entitled "Conducting Settlement Conferences in Tax Cases" was held in the Downtown Justice Court Training Center on February 4, 2011...'. The bottom of the screenshot shows the Windows taskbar with various application icons and the system tray displaying the time as 2:07 AM on 3/17/2011.

Appendix 3: Superior Court of Arizona in Maricopa County Social Media Policy

Use of Alternative/Social Media Channels for Court Business

Background

Customers of Superior Court in Maricopa County (“Court”) are using alternative/social media tools to establish informal networks and interest groups, review services and programs, and obtain public information. Therefore, the Court’s Public Information and Community Outreach Department staff has an increasing need to use, create and access alternative/social media sites to expand the Court’s ongoing dialogue with its stakeholders as an official voice of the Court.

The Court’s Public Information and Community Outreach Department staff researched how other public agencies are using alternative/social media and have found it to be an important and viable communications tool.

Purpose

The Court’s Public Information and Community Outreach Department authorized staff members shall use and create alternative/social media Websites and channels to supplement, and not supplant, use of the Court’s current website at www.superiorcourt.maricopa.gov. Staff members who are currently responsible for communicating and monitoring Court business, events and services through traditional media such as TV, radio and print magazines and newspapers and the Court’s official website, shall have the ability to post public information about the Court via approved alternative/social media Web sites.

The purpose is not to provide broad access to Court employees for non-business use, but rather to allow access for designated staff members of the Public Information and Community Outreach Department for the purpose of monitoring and communicating messages about the Court and Court business.

Guidelines for Use

Use of the approved alternative/social media Websites shall be done in compliance with the Court’s Electronic Communications Policy, C-111-B, with the exception that there shall be no personal use of these websites whatsoever by the approved staff.

1. Approved Staff:

The following staff members shall have authorization to use and create the approved alternative/social media channels:

Jessica Gifford Funkhouser
Special Court Counsel – Justice System Planning and Communications

Karen Arra
Media Relations Director

Patricia Seguin
Community Outreach Director

Vincent Funari
Court Public Information Officer

2. Approved Alternative/Social Media Channels:

The alternative/social media channels shall be limited to the following:

Facebook - Content may be posted on a Facebook page created for the Court only by the approved staff members. Security measures shall be in place at all times to disable the ability of anyone other than approved staff to place comments on the Court's Facebook page. The public will be referred to the Court's website at www.superiorcourt.maricopa.gov and shall be provided e-mail addresses of approved staff if they wish to obtain additional information or communicate with staff.

Twitter – Late breaking news and minute-by-minute updates about Court business may be posted only by approved staff members. The public shall be permitted to “follow” communications by the Court, but shall not have the ability to comment on the communications.

3. Content/Messages

Content may consist of static text, photos and videos.

All content must comply with the Code of Judicial Conduct and the Court's Electronic Communications Policy, C-111-B.

4. Records Retention/Disposition

Content will be retained and disposed of pursuant to the Court's Electronic Communications Policy, C-111-B, and Rule 123, Rules of the Arizona Supreme Court.

Appendix 4: Community Outreach Efforts

- Courthouse Experience - an attorney guides students through the courthouse and explains courtroom procedures. During the visit, students may sit in on court cases or trials.
- View from the Bench - a unique program designed to open both institutional and individual lines of communication between judges and legislators; and to make significant strides in educating judges about the nuts and bolts of the legislative process as well as educating the legislature about the day-to-day tasks undertaken by judges in our county. This program is a wonderful opportunity to encourage ongoing communication between the judicial and legislative branches. Legislators receive a personal invitation to spend a day or half day “shadowing” a judge on and off the bench. Legislators are given the opportunity to select the judge or court facility they desire to visit. Our judges reciprocate by “shadowing” legislators during the legislative session and are also given the opportunity to select a legislator if they wish. This is a very successful outreach program in our court.
- Quarterly Hispanic media meetings - our Judges and Commissioners have the opportunity to meet with local Hispanic/Spanish speaking media to discuss current issues and events that affect our Spanish speaking community.
- Law Day – a nationwide event celebrated the month of May. It provides an opportunity to reflect on the role of law in our society. Our court partners with the Arizona State Bar Association to hold special events to expand community awareness of our local justice system and the services we provide to the public.
- National Adoption Day – is the day to celebrate adoption held each year in November. It is a nationwide effort to raise awareness that more than 120,000 children are waiting in foster care for permanent homes and loving families. The event helps raise public awareness about the plight of children without families. They range in age from toddlers to teenagers. They are children who have been abandoned, neglected, or abused. Some have not been mistreated, but have been given up for adoption because of circumstances that made adoption the child’s best option for a happy life.
- Visiting judges - Several times a year the court hosts visiting judges and court administrators from other states and countries who come to observe and learn from our judicial process.

Appendix 5: Electronic and Photographic Coverage of Public Judicial Proceedings, 17A A.R.S., Rule 122, Ariz.R.S.Ct.

Electronic and still photographic coverage of public judicial proceedings conducted by a judicial officer during sessions of court may be permitted in accordance with the following guidelines:

- a. No electronic or still photographic coverage of juvenile court proceedings shall be permitted, except that such coverage may be permitted in adoption proceedings for the purpose of memorializing the event, with the agreement of the parties to the proceeding and the court.
- b. Electronic and still photographic coverage of public judicial proceedings other than the proceedings specified in paragraph (a) above may be permitted in the discretion of the judge giving due consideration to the following factors:
 - i. The impact of coverage upon the right of any party to a fair trial;
 - ii. The impact of coverage upon the right of privacy of any party or witness;
 - iii. The impact of coverage upon the safety and well-being of any party, witness or juror;
 - iv. The likelihood that coverage would distract participants or would detract from the dignity of the proceedings;
 - v. The adequacy of the physical facilities of the court for coverage;
 - vi. The timeliness of the request pursuant to subsection (f) of this Rule; and
 - vii. Any other factor affecting the fair administration of justice.
 - c. The judge may limit or prohibit electronic or still photographic coverage only after making specific, on-the-record findings that there is a likelihood of harm arising from one or more of the above factors that outweighs the benefit to the public of camera coverage.
- d. Electronic and still photographic coverage of the appearance or testimony of a particular witness may be prohibited if the judge determines that such coverage would have a greater adverse impact upon the witness or his or her testimony than non-electronic and non-photographic coverage would have.
- e. The law generally applicable to inclusion or exclusion of the press or public at court proceedings or during the testimony of particular witness shall apply to the coverage hereunder. The exercise of the judge's discretion in limiting or precluding electronic or still photographic coverage shall be reviewable only by special action.
- f. Requests by the media for coverage shall be made to the judge of the particular proceeding sufficiently in advance of the proceeding or portion thereof as not to delay or interfere with it. Unless the judicial proceeding is scheduled on less than three days notice, the request to tape or photograph a proceeding must be made no less than two days in advance of the hearing. The judge shall notify all parties and witnesses of the

request. If there is any objection to a request for camera coverage or an order allowing electronic or still photographic coverage, the court shall hold a hearing promptly.

- g. Objections of a party to coverage must be made on the record prior to commencement of the proceeding or portion thereof for which coverage is requested. Objections of a non-party witness to coverage of his or her appearance or testimony may be made to the judge at any time. Any objection not so made will be deemed waived.
- h. Nothing herein shall alter the obligation of any attorney to comply with the provisions of the Arizona Rules of Professional Conduct governing trial publicity.
- i. Individual journalists may use their personal audio recorders in the courtroom, but such usage shall not be obtrusive or distracting and no changes of tape or reels shall be made during court sessions. In all other respects, news reporters or other media representatives not using cameras or electronic equipment shall not be subject to these guidelines.
- j. No media film, videotape, still photograph or audio reproduction of a judicial proceeding shall be admissible as evidence in such proceeding or in any retrial or appeal thereof.
- k. Coverage of jurors in a manner that will permit recognition of individual jurors by the public is strictly forbidden. Where possible, cameras should be placed so as to avoid photographing jurors in any manner.
- l. Absent express permission of the court, there shall be no audio recording or broadcasting of conferences in the court building between attorneys and their clients, between attorneys, of jury interviews or in any part of the court building where a judicial proceeding is not being conducted.
- m. It shall be the responsibility of the media to settle disputes among media representatives, facilitate pooling where necessary, and implement procedures which meet the approval of the judge of the particular proceeding prior to any coverage and without disruption to the court. If necessary the media representatives shall elect a spokesperson to confer with the court.
- n. No more than one television camera and one still camera mounted on a tripod, each with a single camera operator, shall be permitted in the courtroom for coverage at any time while court is in session. The broadcast media shall select a representative to arrange the pooling of media participants. The court shall not participate in the pooling agreement.
- o. The judge of a particular proceeding shall, in a manner which preserves the dignity of the proceeding, designate the placement of equipment and personnel for electronic and still photographic coverage of that proceeding, and all equipment and personnel shall be restricted to the area so designated. Whenever possible, media equipment and personnel shall be placed outside the courtroom. Videotape recording equipment not a component part of a television camera shall be placed outside the courtroom. To the extent possible, wiring shall be hidden, and in any event shall not be obtrusive or cause inconvenience or hazard. While court is in session, equipment shall not be installed, moved or taken from the courtroom, nor shall photographers or camera operators move about the courtroom.

- p. All persons engaged in the coverage permitted hereunder shall avoid conduct or dress which may detract from the dignity of the proceedings.
- q. If possible, media equipment shall be connected to existing courtroom sound systems. No flash bulbs, strobe lights or other artificial lights of any kind shall be brought into the courtroom by the media for use in coverage of a proceeding. Where the addition of higher wattage light bulbs, additional standard light fixtures, additional microphones or other modifications or improvements are sought by the media, the media, through their spokesperson, shall make their recommendations to the presiding judge of the Superior Court, who may direct whatever modifications or improvements deemed necessary. Any such modifications or improvements shall be made and maintained without public expense.
- r. Television or still cameras which produce distracting sound shall not be permitted. In this regard, the presiding judge may consider a non-digital still camera acceptable if accompanied by a device that effectively muffles camera sounds.
- s. Cameras and microphones used in the coverage permitted hereunder shall meet the "state of the art." A camera or microphone shall be deemed to meet the "state of the art" when equal in unobtrusiveness, technical quality and sensitivity to equipment in general usage by the major broadcast stations in the community in which the courtroom is located.
- t. Any questions concerning whether particular equipment complies with these guidelines shall be resolved by the presiding judge of the Superior Court or designee.
- u. To facilitate implementation of this rule, the presiding judge of the Superior Court may appoint an advisory committee to make recommendations regarding improvements affecting media coverage of judicial proceedings.
- v. In the case of coverage of proceedings in the Arizona Supreme Court and Courts of Appeal, references herein to the "judge of the particular proceeding" or the "presiding judge of the Superior Court" shall mean the Chief Justice of the Arizona Supreme Court or the Chief Judge of the Court of Appeals, as the case may be.

Appendix 6: Electronic and Photographic Coverage Courtroom Guidelines

- News media must notify the Superior Court at least two hours in advance of their intent to provide film, videotape or still photographic coverage of initial appearance proceedings. The hearing officer's ruling is not appealable.
- Only one news television camera and one still camera will be allowed. Each camera must be mounted on a tripod with a single camera operator. No auxiliary lighting is allowed in court. Rule 122 requires the use of a shutter-silencing blimp on still cameras.
- Cameras must be placed in designated locations determined by court staff. Camera operators may not move around the courtroom while court is in session and may film only when the Hearing Officer is in the courtroom.
- Media representatives are prohibited from conducting interviews or talking with any inmates in the courtroom. Talking with inmates will result in immediate removal from the courtroom. Any comments gleaned by violating this prohibition shall not be used in news reports.
- When attorneys approach the bench to discuss legal issues with the judge, you are prohibited from recording their comments.
- Reporters are allowed to observe IA court proceedings unless there is a security concern or confidentiality issue that takes precedence.

Appendix 7: Social Media and the Court Survey

Question 1: What is your job title?

Judge	62%
Commissioner	38%

Out of 153 judicial officers surveyed, 76 responded to this question.

Question 2: My age is:

25 or younger	0%
26-35	0%
36-45	21%
46-55	37%
56-65	38%
66 or older	4%

Out of 153 judicial officers surveyed, 76 responded to this question.

Question 3: I use the following social media sites:

Twitter	6%
Facebook	45%
MySpace	6%
LinkedIn	6%
Ning	2%
YouTube	43%
Other	37% (No social media use.)

Out of 153 judicial officers surveyed, 49 responded to this question.

Question 4: The purpose of my social media site use is best described as:

Only personal	83%
Mostly personal but some professional	14%
Equally personal and professional	0%
Mostly professional but some personal	3%
Only professional	0%

Out of 153 judicial officers surveyed, 36 responded to this question.

Question 5: It is essential judicial officers are educated about new media technologies.

Strongly agree	45%
Agree	37%
Neutral	12%
Disagree	4%
Strongly disagree	3%

Out of 153 judicial officers surveyed, 76 responded to this question.

Question 6: Social media, such as Facebook and Twitter, are necessary court tools for public outreach.

Strongly agree	8%
Agree	16%
Neutral	40%

Disagree	25%
Strongly disagree	11%

Out of 153 judicial officers surveyed, 75 responded to this question.

Question 7: Courts as institutions can maintain social media profile sites, such as Facebook, without compromising ethics.

Strongly agree	15%
Agree	32%
Neutral	30%
Disagree	15%
Strongly disagree	8%

Out of 153 judicial officers surveyed, 74 responded to this question.

Question 8: Courts as institutions can use microblogging web sites, such as Twitter, without compromising ethics.

Strongly agree	12%
Agree	28%
Neutral	35%
Disagree	19%
Strongly disagree	7%

Out of 153 judicial officers surveyed, 75 responded to this question.

Question 9: Using social media to release information to the public is a good idea.

Strongly agree	16%
Agree	32%
Neutral	32%
Disagree	15%
Strongly disagree	5%

Out of 153 judicial officers surveyed, 75 responded to this question.

Question 10: I currently use social media such as Twitter and or Facebook.

Yes	27%
No	73%

Out of 153 judicial officers surveyed, 74 responded to this question.

Question 11: If not, why not?

Privacy concerns	44%
Ethical concerns	15%
Technical limitations	2%
Limited usefulness	4%
Other	35% (privacy and ethical concerns)

Out of 153 judicial officers surveyed, only 54 responded to this question.

Question 12: I would be interested in learning more about social media and how to use social networking tools such as Twitter and Facebook.

Yes	33%
No	67%

Out of 153 judicial officers surveyed, 76 responded to this question.

Question 13: I monitor and or check Maricopa County Superior Court’s Twitter feed.

More than once an hour	0%
Once a day	0%
More than once a day	0%
Once a week	0%
More than once a week	1%
Never	93%
Other (please specify)	5%

Out of 153 judicial officers surveyed, 76 responded to this question.

Question 14: In general, I monitor and or check Twitter.

More than once an hour	0%
Once a day	0%
More than once a day	1%
Once a week	1%
More than once a week	1%
Never	95%
Other (please specify)	1%

Out of 153 judicial officers surveyed, 76 responded to this question.

Question 15: Maricopa County Superior Court generates an adequate amount of Tweets on their Twitter feed.

Strongly agree	0%
Agree	0%
Neutral	97%
Disagree	2%
Strongly disagree	2%

Out of 153 judicial officers surveyed, 63 responded to this question.

Question 16: I receive adequate information from Maricopa County Superior Court's Twitter feed.

Strongly agree	2%
Agree	2%
Neutral	88%
Disagree	6%
Strongly disagree	3%

Out of 153 judicial officers surveyed, 65 responded to this question.

Question 17: I find Maricopa County Superior Court's Twitter feed more useful than its website.

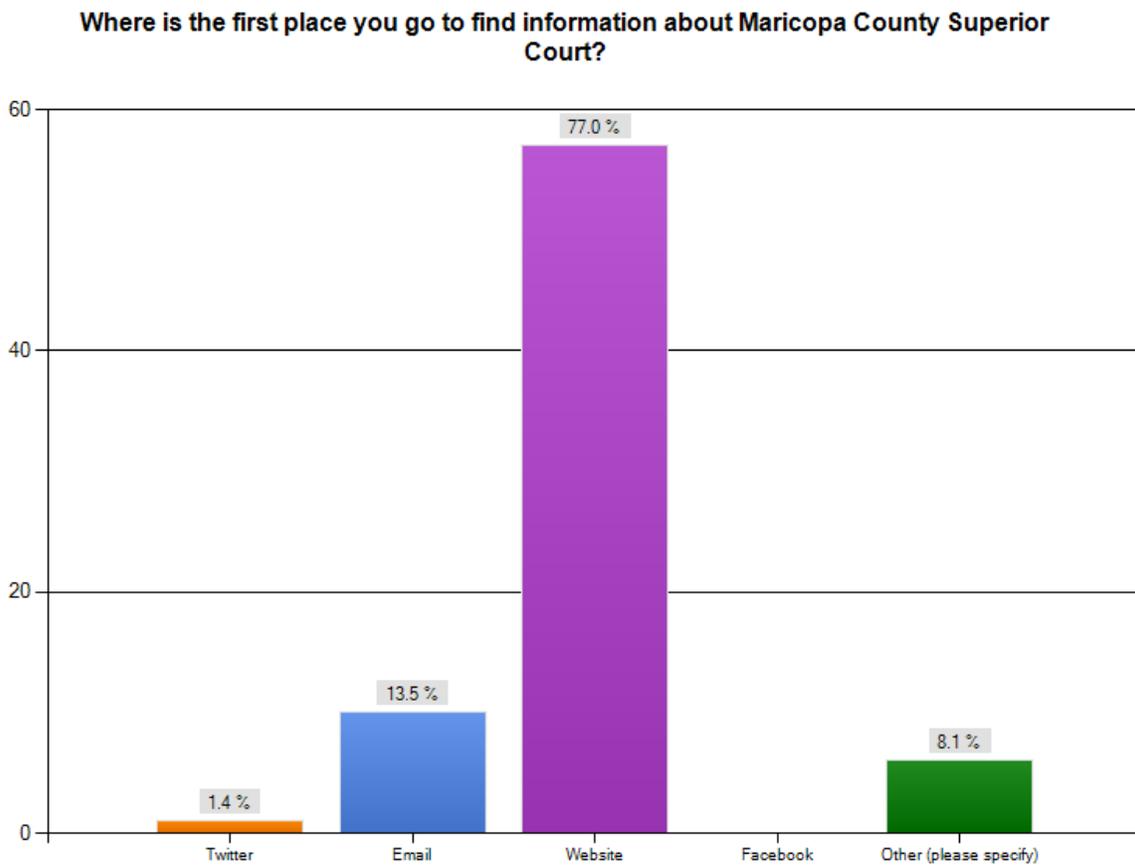
Strongly agree	0%
Agree	0%
Neutral	80%

Disagree	11%
Strongly disagree	9%

Out of 153 judicial officers surveyed, 64 responded to this question.

Question 18: Where is the first place you go to find information about Maricopa County Superior Court?

Table 1:



Out of 153 judicial officers surveyed, 74 responded to this question.

Question 19: What kind of information do you want to see on Maricopa County Superior Court’s Twitter feed?

Out of 153 judicial officers surveyed, 20 responded to this question. The responses were as follows:

- None. Too much of a risk for misinformation and ethics violations. We already discourage jurors from visiting such sites. Encouraging such use as a court sponsored site sends mixed messages.
- N/A
- Information about dates in high profile cases; information about hearings that occur in such cases, etc.
- None. I do not think it is appropriate for the Superior Court to “tweet”.
- Information about events happening at the moment.
- None. I think it’s completely unnecessary.
- N/A
- Not interested
- None
- I don’t know enough about Twitter to answer the question.
- None
- Announcements
- Notification of interesting decisions; appointment of new judges/commissioners; and notification of court initiatives or events.
- The information on the website.
- None. I’ve never used it.
- I don’t think we need to be on Twitter.
- Public updates
- None
- None
- Anything other than public records. Announcements and other information designed to assist the public in understanding and using the court system.

Question 20: Do you visit Maricopa County Superior Court’s Facebook page?

Frequently	1%
Often	0%
Sometimes	3%

Seldom	1%
Never	95%

Out of 153 judicial officers surveyed, 76 responded to this question.

Question 21: What kind of information do you want to see on Maricopa County Superior Court’s Facebook page?

Out of 153 judicial officers surveyed, 23 responded to this question. The responses were as follows:

- None. Too much risk for misinformation and ethics violations. See 19 above.
- N/A
- Information that should be accessible to the public and that would be useful.
- Considering there isn’t any other place to put my thoughts... I believe we should be interacting with the public via electronic media but in a professional way. I have suggested that we create informational videos about court processes and post on our website and YouTube. If I want to know how to do something – I Google it and if there is a video I watch it. This is a way to continue to be the authority of court processes and to maintain a “face” on the judiciary with the general public. I think we should also do a web streamed video about the court system and flow of cases in Maricopa County using judges as the speakers that could be used in classrooms all over the country.
- None. I do not think it is appropriate for the Superior Court to have a Facebook page.
- Information about things happening in the court system that should be public knowledge.
- None. It’s redundant to what is already on the website.
- N/A
- Not interested
- None
- Information about court processes other than “defendant x got 80 years today”.
- While technology-wise, the Court could send out info via Twitter and Facebook, I believe a better use of staff time is to update the website.
- I don’t know enough about Facebook to answer the question.
- None
- Updates. Court closing issues.
- Unknown
- See #19

- The information on the website.
- I don't think we need to be on Facebook.
- Court events; high profile cases, etc.
- None
- None
- Ditto

Appendix 8: Facebook Survey

Question 1: My age is:

25 or younger	4%
26-35	8%
36-45	36%
46-55	24%
56-65	28%
66 or older	0%

Out of 410 Facebook users surveyed, 25 responded to this question.

Question 2: I monitor and or check Maricopa County Superior Court's Facebook page.

Frequently	8%
Often	12%
Sometimes	40%
Seldom	40%

Out of 410 Facebook users surveyed, 25 responded to this question.

Question 3: In general, I monitor and or check Facebook.

Frequently	42%
Often	29%
Sometimes	25%
Seldom	4%

Out of 410 Facebook users surveyed, 24 responded to this question.

Question 4: Maricopa County Superior Court generates an adequate amount of posts on their Facebook page.

Strongly agree	12%
Agree	16%
Neutral	64%
Disagree	8%
Strongly disagree	0%

Out of 410 Facebook users surveyed, 25 responded to this question.

Question 5: I receive adequate information from Maricopa County Superior Court's Facebook page.

Strongly agree	16%
Agree	24%
Neutral	40%
Disagree	20%
Strongly disagree	0%

Out of 410 Facebook users surveyed, 25 responded to this question.

Question 6: I find Maricopa County Superior Court's Facebook page more useful than its website.

Strongly agree	4%
Agree	12%
Neutral	56%

Disagree	20%
Strongly disagree	8%

Out of 410 Facebook users surveyed, 25 responded to this question.

Question 7: Maricopa County Superior Court’s Facebook page helps guide me to more in-depth information on Court programs.

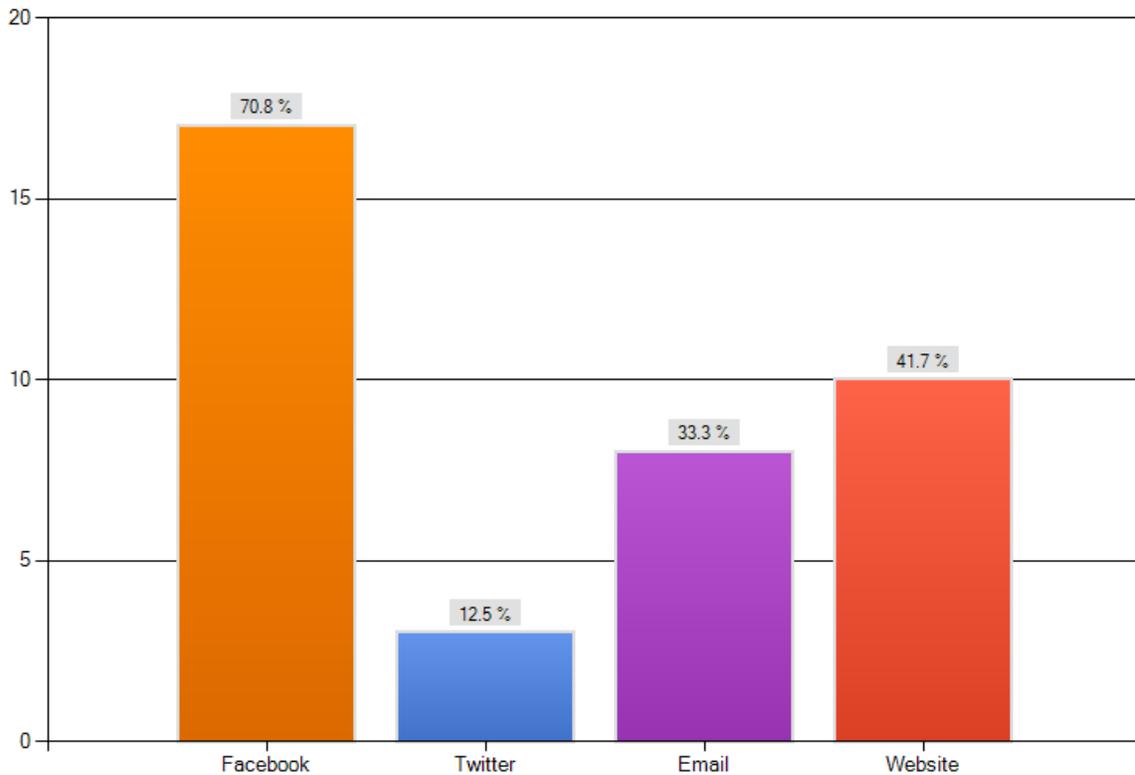
Strongly agree	4%
Agree	40%
Neutral	44%
Disagree	8%
Strongly disagree	4%

Out of 410 Facebook users surveyed, 25 responded to this question.

Question 8: How would you like news items from Maricopa County Superior Court delivered? (Check all that apply.)

Table 2:

How would you like news items from Maricopa County Superior Court delivered? (Check all that apply.)



Out of 410 Facebook users surveyed, 24 responded to this question.

Question 9: Where is the first place you go to find information about Maricopa County Superior Court?

Facebook	12%
Twitter	8%
Website	80%
Other (please specify)	0%

Out of 410 Facebook users surveyed, 25 responded to this question.

Question 10: What kind of information do you want to see on Maricopa County Superior Court’s Facebook page?

Out of 410 Facebook users surveyed, 7 responded to this question. The responses were as follows:

- I’d like to see a little background on cases when rulings are announced. Instead of just a name and the outcome, how about a little reminder of what the case is about, too?
- What I like about it is that there is a bit more “personal interest” stories. If I want to find a case or a docket (which is the usual need), then I go to the regular website. But for just items of interest, current events, etc., the Facebook page is a good idea.
- Events and current news updates.
- Personnel, security and general info updates.
- Job openings/events/emergency information about things happening at courts.
- Input from the general public, whether the County likes it or not. Solutions for the Public, especially without representation. Where a Judge has consequences for throwing a working man attempting to try and catch up on support into jail, just because he feels like it. No consistency on Judgements, expose the system to the Public like it really is. I know that would never happen, but you asked.
- JA contact information

Question 11: Do you monitor and or check Maricopa County Superior Court’s Twitter feed?

Frequently	4%
Often	12%
Sometimes	4%
Seldom	4%
Never	76%

Out of 410 Facebook users surveyed, 25 responded to this question.

Appendix 9: Media Use of Twitter Survey

Question 1: Which term best describes your news agency?

Television	38%
Print	13%
Radio	17%
Internet	21%
Other (please specify)	13% (wire service)

Twenty four Twitter followers responded to this question.

Question 2: What is your job title?

Of the 22 who responded, 6 were assignment editors, 5 were reporters, 2 were managing editors, 2 were news directors, 2 were interns, 2 were owners, 1 was a producer and 2 were not identified.

Question 3: How long have you worked in media?

Of the 15 who responded, 1 was 40 years, 1 was 30 years, 4 were 20 years, 1 was 25 years, 2 were 17 years, 1 was 15 years, 1 was 12 years, 1 was 8 years, and 2 were 4 years.

Question 4: My age is:

25 or younger	8%
26-35	21%
36-45	33%
46-55	29%

56-65	8%
66 or older	0%

24 responded to this question.

Question 5: I monitor and or check Maricopa County Superior Court’s Twitter feed.

More than once an hour	25%
Once a day	8%
More than once a day	21%
Once a week	13%
More than once a week	4%
Never	8%
Other (please specify)	21%

24 responded to this question.

Question 6: I general, I monitor and or check Twitter.

More than once an hour	46%
Once a day	8%
More than once a day	13%
Once a week	8%
More than once a week	8%
Never	8%
Other (please specify)	8%

24 responded to this question.

Question 7: Maricopa County Superior Court generates an adequate amount of Tweets on their Twitter feed.

Strongly agree	17%
Agree	48%
Neutral	26%
Disagree	0%
Strongly disagree	9%

23 responded to this question.

Question 8: Maricopa County Superior Court's Tweets help me generate news stories.

Strongly agree	27%
Agree	27%
Neutral	32%
Disagree	9%
Strongly disagree	5%

22 responded to this question.

Question 9: I receive adequate information from Maricopa County Superior Court's Twitter feed.

Strongly agree	21%
Agree	38%
Neutral	29%

Disagree	8%
Strongly disagree	4%

24 responded to this question.

Question 10: I find Maricopa County Superior Court’s Twitter feed more useful than its website.

Strongly agree	17%
Agree	17%
Neutral	29%
Disagree	21%
Strongly disagree	17%

24 responded to this question.

Question 11: Why?

Sixteen responded to this question; the responses were as follows:

- I don’t get on the website very often.
- I don’t have time to search the website! I utilize the incoming text tweets to do further research if it is something I can utilize!
- Twitter is 140 characters; the website has the actual documents.
- Find law interesting
- Mostly because how fast you can read a tweet as opposed to surfing a website. But the website is still a better source of detailed information. Tweets alert us to what is going on.
- Twitter is great for breaking news...Website is helpful for planning.
- The website has more depth. Twitter is an important and quick way to get the media’s attention and then lead them to the website for more information.
- Easier to use, clear & concise
- The Twitter feed is great, but there is of course so much more to be found on the website.

- I don't think to check the Twitter feed. If I want news about Superior Court, I check the website.
- You can get more information from the website.
- I use the Twitter for basics, then the website for specifics.
- Not much info in a tweet. Looking for far more detail.
- Website has more in depth info that I need for background on cases.
- Convenience. It has key info and I don't have to search for it.
- While twitter is able to give us a heads up on breaking stories, the website is able to let us do research on current and former cases as well as read more details about a case.

Question 12: Maricopa County Superior Court's Twitter feed helps guide me to more in-depth information on Court programs?

Strongly agree	17%
Agree	25%
Neutral	42%
Disagree	13%
Strongly disagree	4%

24 responded to this question.

Question 13: How do you receive Tweets? (Check all that apply.)

Personal computer	87%
Mobile device	30%

23 responded to this question.

Question 14: How would you prefer to receive news alerts/flashs from Maricopa County Superior Court? (Check all that apply.)

Twitter	74%
Email	83%
Website	44%
Disagree	48%
Other (please specify)	4%

23 responded to this question.

Question 15: Where is the first place you go to find information about Maricopa County Superior Court?

Twitter	21%
Email	13%
Website	68%
Facebook	0%
Other (please specify)	0%

24 responded to this question.

Question 16: What kind of information do you want to see on Maricopa County Superior Court's Twitter feed?

Each respondent had a specific idea and there was no overlap. Thirteen responded to this question; the responses are as follows:

- Nothing
- Links to background on cases mentioned
- More policy & procedure changes. Information seminars. Changes in security procedure.
- Legal defs, info

- Updates on court proceedings. If possible, a line or two giving background info.
- I do not see any need to change the twitter feed content.
- High profile case updates, general news about the court
- Would like to see updates tiny updates on what happened in court, etc.
- Exactly what you already have there.
- Updates on whether juries go home are helpful. Keeps us from having to call the court.
- Updates on jury deliberations, hearing date changes, reminders about high profile cases that are about to begin.
- Big stories and or high profile cases
- Docs uploaded, breaking case news.

Question 17: Do you visit Superior Court’s Facebook page?

More than once an hour	0%
Once a day	13%
More than once a day	4%
Once a week	4%
More than once a week	0%
Never	79%
Other (please specify)	0%

24 responded to this question.

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