2013 CCPIO New Media Survey

A Report of the Conference of Court Public Information Officers

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AND
The E. W. Scripps School of Journalism at Ohio University

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INTRODUCTION

A Colorado criminal defense attorney is using YouTube to strategically post videos that support his clients and undermine the prosecution’s case, and he is teaching other lawyers his technique of “YouTube justice.”

“This is an incredible new hammer of justice,” attorney John Pineau told the Denver Post. “…[T]his will change justice around the world.”

Indeed, the world is changing for both the media and the justice system, and the fourth annual edition of the CCPJO New Media Survey looks at how these changes affect the courts through the eyes of judges and court personnel.

From lawyers using new media as a strategic trial tool, to judges on Facebook facing ethical challenges, to courts themselves reacting to declining coverage by the traditional news media by exploring new media tools as a way to connect with the public, courts and judges in 2013 are continuing to find their way in a media environment that poses both challenges and opportunities.

The 2013 CCPJO New Media Survey asked judges and court personnel in all 50 states questions about what they are experiencing with new media, what their perceptions are of the changing media environment, and how it affects the administration of justice. This was the fourth consecutive year that the Conference of Court Public Information Officers partnered with the E.W. Scripps School of Journalism at Ohio University and the National Center for State Courts to conduct the survey. This year’s questionnaire received by far the highest response rate. It paints a picture of judges who see the potential good that tools like video sharing and blogs can do by increasing public understanding of the courts, but who are also very cautious about the potential problems that ubiquitous use of Facebook and Twitter can pose for ethical conduct and fair trials.

Among the report’s key findings:

- After growing between 2010 and 2012 (6.7 percent in 2010 and 13.2 percent in 2012), courts’ reported use of Facebook declined slightly in 2013 (11.3 percent).
- Twitter and Facebook are now the most popular tools among courts; Twitter is used most.
- YouTube use by courts eclipsed Twitter and Facebook in one specific category: explaining court processes to pro se litigants.
- Courts are attempting to control communication from the courtroom by developing formal social media policies. (Forty-five states, as well as the District of Columbia, Guam, and Puerto Rico, reported that they have a courtroom policy regulating at least one social-media tool).
Most survey respondents agree that mobile devices should be prohibited from courtrooms, and a large percentage believe the general public and litigants should not be permitted to silently communicate in any way from the courtroom.

On a similar note, a consistent majority believes the traditional news media should be given no preferred status to use social media in the courtroom, including tweeting, texting, sending e-mails, or making audio recordings.

However, when asked whether the traditional news media should be allowed to make video recordings or take photos in the courtroom, the number increased for those who approve. It is likely that taking photos or video from the courtroom is considered more of a mainstream occurrence by the media, and, thus, there must be a clearer understanding of how the photos or video may be used.

A considerable majority believe judges and court personnel should be educated about new media technologies in order to take advantage of the use of the tools to serve the courts. Further, an overwhelming majority (more than 90 percent) believe judges and court staff should be educated about new media to ensure such technologies do not inappropriately impact court proceedings.

The results show a contradiction, however, because a greater number of participants indicate that social media are not necessary tools for public outreach.

The 2013 survey did not ask participants simply to indicate whether they use a particular social media tool. Rather, the survey separated such questions by personal and professional uses and whether they read/consume content and post/share content.

Judge respondents use Facebook on a personal basis considerably more than they do professionally. For example, 37 percent report using Facebook personally to read and consume content, while 23.1 percent say they post and comment on personal Facebook pages. In contrast, 9.83 percent of judges said they read and consume content on Facebook in their professional roles, while 5.33 percent said they post or share content in a professional capacity.

In previous surveys, judge respondents who said they use social media profile sites grew from 40 percent in 2010 to 46 percent in 2012 and a large majority said they use Facebook specifically. These specific questions were not asked in 2013.

When examining Twitter use, it was determined that 11.7 percent of judge participants say they use Twitter personally to read or consume content. Likewise, 5 percent said they use Twitter personally to post or share content. Twitter is used by 5 percent of judges in a professional capacity to read or consume content, while 3.1 percent say they use Twitter professionally to post or share content.

The most popular social medium for personal use is YouTube, with a majority favoring it to read and consume content (Second was Facebook). Another surprise is the use of Pinterest on a personal basis, which was second in popularity to Facebook when respondents post, comment, or share content.
• Similarly, when using social media on a professional basis, LinkedIn was the most popular tool to read and consume content, followed by Google+ and YouTube.

• Reported judicial campaign use of social media appears more conservative than courts themselves, with results showing significantly low use of social media (less than 20 percent).

The 2013 survey occurred in a year when the judicial system and the media continued to undergo significant change.

The courts and legal community made progress in more clearly defining the parameters of permissible conduct for judges using social media in 2013.

The American Bar Association released an ethics opinion regarding judges using social media. Formal Opinion 462, dated February 21, 2013, and issued by the ABA Standing Committee on Ethics and Professional Responsibility, discusses the issues that arise when a judge engages in social media. The opinion syllabus states: “A judge may participate in electronic social networking, but as with all social relationships and contacts, a judge must comply with relevant provisions of the Code of Judicial Conduct and avoid any conduct that would undermine the judge’s independence, integrity, or impartiality, or create an appearance of impropriety.” The ABA’s Opinion joins the numerous state judicial ethics advisory opinions addressing similar social-media issues.

The Fifth District Texas Court of Appeals found that a judge’s Facebook connection with the father of a criminal defendant did not entitle the defendant to a new trial. The judge acknowledged he received a Facebook message from the defendant’s father seeking leniency in sentencing. However, the judge testified that he only casually knew the father and that when he received the message, he replied back online telling the father that the message violated ex parte communication rules. “A reasonable person in possession of all of the facts in this case likely would conclude the contact between the judge and the father did not cause the judge to abandon his judicial role of impartiality,” the court found. “Besides the evidence that the judge and the father’s acquaintance was limited, any appearance of bias created by the Facebook communications was dismissed quickly by the judge’s handling of the situation.”

The New Hampshire Bar Association Ethics Committee issued an opinion in June that found that New Hampshire’s professional ethics rules do not prohibit use of social media to investigate a non-party witness but spelled out the restrictions on such activity. Specifically, the opinion stated that lawyers “must follow the same rules which would apply in other contexts, including the rules which impose duties of truthfulness, fairness, and respect for the rights of third parties. The lawyer must take care to understand both the value and the risk of using social media sites, as their ease of access on the internet is accompanied by a risk of unintended or misleading communications with the witness.”
The New York State Bar Association Committee on Professional Ethics issued an opinion (Opinion 967) in June that clarified the permissible use of blogs by attorneys and found that attorney blogs do not qualify as “advertising” under the state ethics rules so long as the primary purpose of the blog is not retention of the attorney. The opinion stated: “A blog written by an attorney that does not discuss legal topics and whose primary purpose is not the retention of the lawyer is not an advertisement, and would thus not be subject to the retention and preservation rules for lawyer advertising, even though the title of the blog makes clear that the author is an attorney.”

There also continued in 2013 to be cases that tested the use of social media in criminal trials.

A Cuyahoga County Assistant Prosecutor, Aaron Brockler, was fired after it became known that in June 2013 he created a fake Facebook profile, posed as a woman, and participated in a Facebook chat with two other women in an effort to discredit the alibi of an accused murderer in a Cleveland, Ohio case. Brockler’s actions were unethical, said Cuyahoga County Prosecutor Timothy McGinty, who fired the assistant prosecutor, saying, “He disgraced this office.” According to the Cleveland Plain Dealer, McGinty said Brockler created false evidence, lied to witnesses, as well as to another prosecutor, and damaged the prosecution’s chances in a murder case. In his defense, Brockler, according to the paper, said law enforcement, including prosecutors, have engaged in the practice of using a ruse to obtain the truth for a long time. Brockler said he believed the public was better off because of his actions.

A juror’s alleged viewing of a YouTube video related to the case she was hearing was the basis of an appeal to the Twelfth District Court of Appeals of Ohio. Shannon Blaine Gatliff was convicted of felonious assault on his former girlfriend during a Christmas Eve brawl in 2011 in Clermont County, in southwestern Ohio. According to the Akron Legal News, Gatliff was sentenced to seven years in prison, but appealed his conviction on the basis of the court’s refusal to grant a new trial, as well as his challenge of his sentence and the evidence against him. Citing the persuasive evidence against him and his history of serious crimes, the three-judge panel rejected two of the appellant’s challenges. Regarding the YouTube video, Gatliff provided an affidavit from one juror stating that another juror’s daughter found a video of the fight on YouTube. Another affidavit stated that the court’s bailiff said a jury member may have viewed a video. Further, Gatliff provided a printout from YouTube that certain scenes of the fight were viewed several times on the second day of the trial. The court, however, found no proof of juror misconduct because there was no evidence that jurors viewed the video.

Against this backdrop of courts and ethical bodies examining the parameters of proper social media use, judges and courts themselves continued to experiment with the use of social media.
The National Center for State Courts released a compilation of courts using social media in 2013, listing 25 administrative offices of the courts or high courts that are using at least one social media platform, such as Facebook, Twitter, YouTube, or Flickr. Of those, 23 are on Twitter, nine are on Facebook, 10 have YouTube channels, and three have Flickr photostreams.\textsuperscript{ix}

Early this year, the clerks of court in the federal system were asked to complete a first-of-its-kind survey on if and how their courts use social media. Just over two-thirds of the courts responded. Out of the 135 responding courts, only 21 (15.6 percent) said they use social media, but 17 more (12.6 percent) said they intend to start using social media in the future. Among federal courts using social media, Twitter was most prevalent, followed by Facebook, YouTube, and LinkedIn.

Last October, when it became clear that Hurricane Sandy was going to hit the East Coast, courts in Sandy’s path used social media to provide real-time updates to their communities. Updates included court-closing information, as well as other specific information for jurors, attorneys, and litigants. Some courts used Facebook to post updates, but the majority of information was relayed to the public via Twitter. This is consistent with the 2013 survey results, which found more courts are using Twitter than Facebook (see below). Examples of how courts used social media in response to Sandy can be viewed online.\textsuperscript{x}

A federal judge this year joined the very small number of judges nationally who blog on a regular basis. Senior U.S. District Judge Richard Kopf launched his blog, \textit{Hercules and the Umpire}, in February.\textsuperscript{xi} Judge Kopf has very limited company among state court judges. In Ohio, Medina County Common Pleas Judge James Kimbler started his blog in 2006. It is largely a summary of decisions from the appellate district where his trial court resides. Ohio Supreme Court Justice Judith Ann Lanzinger launched the \textit{Justice Judy blog} in 2010 as an educational tool mostly used to educate middle and high school students about the judicial system.\textsuperscript{xii}

Slowly joining the social media bandwagon, judicial performance evaluation (JPE) sites gained attention in 2013. Eighteen states have official programs for evaluating judicial performance, whether to aid judges in improving their own performance, to enhance public confidence in the courts, or to inform those who retain judges. For the 2012 elections, JPE commissions in at least four states turned to social media in an effort to expand their exposure and engage their audiences. In Arizona, New Mexico, and Utah, performance evaluation commissions created Facebook pages to get the word out, and Utah’s commission also used Twitter. Two states created videos modeled after Colorado’s \textit{Know Your Judge} PSA that was first introduced in 2010. The North Carolina video was posted on YouTube and on the state bar association’s website, and the Utah video was available through the commission’s Facebook page.

There continued to emerge in 2013 a small, but increasing number of courts using YouTube for public information, education, and community outreach. In this year’s survey, 6.6 percent of courts reported using YouTube. Among courts that have been successful with YouTube channels are California and the U.S. administrative office of the courts.\textsuperscript{xiii} Hawaii Supreme Court Chief
Justice Mark Recktenwald delivered his year’s biennial State of the Judiciary address on the Hawaii Judiciary’s YouTube channel. This was the first time the address was delivered via social media, according to Hawaii’s press release. The Michigan Supreme Court Office of Public Information launched a new online video series in December 2012. Court Stories debuted on the “Michigan Courts” YouTube channel and on the court’s website. The focus of the series is to tell the “everyday stories of Michigan courts – and the people they serve,” explains the press release announcing the new series.xlv

For Law Day 2013, the chief judges of the District of Columbia’s courts held their second Twitter chat – their first Law Day chat in 2012 was believed to be the first such event in the country. Using the hashtag #AskTheCJs, Chief Judges Eric Washington of the D.C. Court of Appeals and Lee Satterfield of the D.C. Superior Court fielded questions from reporters, attorneys, and residents on a variety of topics.

A journal article published by a CCPIO member in 2013 documented the significant decline in coverage of the judicial branch by traditional news media and outlined how courts increasingly use new media tools to connect with the public. In “The Future of Online Legal Journalism: The Courts Speak Only Through Their Opinions?” Ohio Supreme Court Public Information Director Chris Davey predicts that more and more courts will transform their communications programs to become more like news services in an effort to fill the gap left by the decline in traditional news media coverage of the courts. “There is an emerging recognition among courts that in order to fulfill the requirement that courts are transparent and understandable to the public in the new media age we are in, courts will have to play an active role in facilitating access to information and perform many of the same functions that traditionally have been performed by the now dwindling traditional media.”xv

An example of such a program, not coincidentally, was launched this past year by the Ohio Supreme Court. Court News Ohio is a comprehensive, multimedia, multiplatform program covering news about the Ohio judicial system. Its target audiences are members of the judiciary and the legal community, as well as the general public. The program publishes daily news about court cases at the Ohio Supreme Court and the Ohio court of appeals, judicial appointments and vacancies, rule amendments, programmatic and administrative activities in the judicial branch, and feature stories. The program includes a website (courtnewsohio.gov), a monthly print publication that is also available online (Court News Ohio Review), a television program (Court News Ohio TV), a Facebook page (facebook.com/courtnewsohio), and a Twitter feed (@courtnewsohio).xvi

Since CCPIO first launched the New Media Survey in 2010, the transformation of the media has only quickened pace, and courts’ interest and involvement in responding to the changes has increased. What follows is a detailed analysis of the 2013 CCPIO New Media Survey.
METHODOLOGY

In its fourth consecutive year, the CCPIO survey was distributed via the same manner as past surveys. On June 18, 2013, the survey was distributed to about 15,000 individuals on the NCSC e-mail distribution system. Federal judges were excluded from the distribution because their e-mail addresses were not made available to CCPIO. However, a small number of federal judges and court personnel still completed the survey.

The survey closed on July 3, 2013, with a total of 1,550 respondents, up significantly over the previous three years. The 2013 survey garnered 2 ½ times more responses than in 2012, more than double the responses from 2011, and almost twice as many responses than received in 2010.

<table>
<thead>
<tr>
<th>Survey Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year</td>
</tr>
<tr>
<td>2013</td>
</tr>
<tr>
<td>2012</td>
</tr>
<tr>
<td>2011</td>
</tr>
<tr>
<td>2010</td>
</tr>
</tbody>
</table>

Understanding that the first three surveys were considered too long and possibly too time consuming, members of the CCPIO survey committee, in conjunction with staff of NCSC and the E.W. Scripps School of Journalism at Ohio University, collaborated to shorten the survey significantly, while maintaining the legacy of the information collected previously.

In the past, the surveys were very detailed, asking multiple questions about each type of new media genre (specifically, social media profile sites, blogging, microblogging, news syndication and aggregation, and visual media sharing). After researching which social media tools are most popular today, this approach was abandoned in 2013 in favor of simply asking participants which new media tools they use – Facebook, Google+, Twitter, YouTube, Instagram, and Pinterest – in both their personal and professional lives and how they use each. Additionally, this year’s survey assessed whether respondents use social media (and which tools) in judicial campaigns, as well as specifically in their courts.

Also gone from the 2013 survey were questions about respondents’ preferred technology and mobile compatibility, as well as certain demographic information such as respondents’ education, whether they are attorneys, and whether they represent rural, urban, or suburban courts.

Judging from the increased response, it is reasonable to conclude that this streamlining effort directly impacted the quantity and quality of the responses received in 2013.

Among the total respondents, 31.5 percent said they were judicial officers, which, for the purpose of this survey, is defined as a judge, magistrate, or hearing officer. The remaining 68.5 percent of respondents included courts’ staff members, other court-related personnel, such as guardians ad litem, attorneys, college professors, and law librarians.
Comparatively, results of the 2012 survey showed 45.6 percent of respondents to be judges; 33.4 percent were judges in the 2011 survey; and 31.4 percent were judges in the 2010 survey.

Respondents were polled on their court jurisdictions as well. The majority, 52.1 percent, were from trial courts, while 22.1 percent were from administrative offices of state courts. Almost 10 percent of respondents were from local municipal courts, and the federal courts were represented by 3.5 percent of respondents. Like 2013, the majority of participants in each of the previous three surveys were from trial courts, 60.7 percent in 2012; 58.9 percent in 2011; and 58.5 percent in 2010.

Within the 1,550 responses were participants from 48 of the 50 United States. (There were no responses from Hawaii or Wisconsin.) Additionally, participants also were from the District of Columbia and the U.S. territories of Guam and Puerto Rico, as well as Australia and Canada. The largest number of responses in 2013 came from participants in Minnesota (423) and Pennsylvania (252).

Because Minnesota and Pennsylvania participants together represented more than 43 percent of the total respondents to the 2013 survey, a review of their isolated data was made to determine whether results from those two states were consistent with the rest of the survey. Minnesota and Pennsylvania respondents’ answers generally did not deviate significantly from the results of the survey from other states. However, there were a few notable questions in which the data fell below the complete group.

Regarding courts’ use of social media, the combined results from Minnesota and Pennsylvania showed a lower use of Facebook at 2.3 percent, down from the 11.3 percent of the total group of participants. Likewise, the use of YouTube for those two states fell at under 1 percent, while the full survey showed usage of 14.3 percent.

Further, the percentage of Minnesota and Pennsylvania participants who agreed with statements about media use of social media in the courtroom fell considerably lower than the overall results of the survey.

<table>
<thead>
<tr>
<th>Statement</th>
<th>MN &amp; PA</th>
<th>All Participants</th>
</tr>
</thead>
<tbody>
<tr>
<td>The media should be allowed to silently tweet, text, and e-mail in the courtroom</td>
<td>AGREE: 7.85%</td>
<td>15.2%</td>
</tr>
<tr>
<td></td>
<td>DISAGREE: 60.44%</td>
<td>47.8%</td>
</tr>
<tr>
<td>The media should be allowed to make audio recordings of court proceedings</td>
<td>AGREE: 7.7%</td>
<td>16.5%</td>
</tr>
<tr>
<td></td>
<td>DISAGREE: 61.63%</td>
<td>48.1%</td>
</tr>
<tr>
<td>The media should be allowed, with some restrictions, to take photo and video of court proceedings</td>
<td>AGREE: 8.3%</td>
<td>21.7%</td>
</tr>
<tr>
<td></td>
<td>DISAGREE: 53.48%</td>
<td>36.2%</td>
</tr>
</tbody>
</table>
A majority of participants, 51.9 percent, also said that judges from their jurisdictions stand for competitive elections. Another 30.5 percent of participants said their judges stand for retention elections, while 9.2 percent of the respondents said their judges do not stand for election. Another 8.5 percent of respondents chose “Other”; a sampling of explanations showed that some judges are appointed by the governor with senate confirmation, elected the first time and then stand for retention election, or even appointed by a mayor or city council.

Respondents’ ages also were polled. The results showed the majority who responded (67 percent) were within the ages of 46 and 65. More than 19 percent were aged 36 to 45; 7.5 percent were between ages 26 and 35; 5.5 percent were aged 66 or older; and the smallest group, aged 25 or younger, represented just under 1 percent of the total.

Appendix A to this report contains a summary of the raw data for the 2013 survey. The raw data is available at www.ccpio.org.

COURTS’ USE OF SOCIAL MEDIA

This year’s survey listed five new media tools – Facebook, Twitter, YouTube, Flickr, and LinkedIn – and asked respondents to check all tool options used by their court. “I’m not sure,” “Other,” and “None” also were options.

There were 1,796 responses to the new media options used by courts. The highest response among the tool options was Twitter, with 221 responses, or 14.3 percent. The second highest was Facebook, (11.3 percent), followed by YouTube, (6.6 percent), LinkedIn, (3.1 percent), and Flickr, (0.7 percent). The “Other” option received 2.8 percent of responses, with explanations listing blogs, Wikipedia, Google+, and RSS. The “I’m not sure” option received 450 responses (29 percent).

Still, however, almost half of the total participants selected “None,” indicating that their courts do not use new media today for communication or public outreach. This option received 746 responses, or 48.1 percent of the total participants. The option for courts to indicate that they do not use social media was not within the previous three surveys, so it is difficult to tell whether courts’ overall use changed.
The 2013 survey also asked participants to select which tools their courts used for various functions. Again with Facebook, Twitter, YouTube, Flickr, and LinkedIn as options, respondents, for example, signaled which tools were used for promoting events, educating the public, or releasing opinions.

<table>
<thead>
<tr>
<th>Courts’ Use of Social Media Tools for Basic Tasks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Facebook</td>
</tr>
<tr>
<td>Twitter</td>
</tr>
<tr>
<td>YouTube</td>
</tr>
<tr>
<td>Flickr</td>
</tr>
<tr>
<td>LinkedIn</td>
</tr>
<tr>
<td>TOTAL</td>
</tr>
</tbody>
</table>

JUDICIAL CAMPAIGNS’ USE OF SOCIAL MEDIA

The 2013 survey asked judges who are elected about their campaigns’ use of new media. Using Facebook, Twitter, YouTube, Instagram, Blog, and Other as options, judges could check all items applying to their campaigns. In addition, the survey offered “Not sure if we used social media,” “None” and “Does not apply/not elected” as options.

There were 1,592 responses to the election campaign use question. More than 69 percent of respondents selected “Does not apply/Not elected,” leaving 487 judges who answered the question. Of those responding judges, 60.3 percent said their campaigns do not use social media. Another 14 percent said they were not sure if their campaign used the new media tools listed.

Again, that leaves only 125 responses from judges who said they use the top social media options in their judicial campaigns. Of the 125 responses, 51 said their campaigns use Facebook (10 percent), 20 said they use Twitter (4 percent), 14 said YouTube (3 percent), 11 indicated campaign use of blogs (2 percent), and 29 said Other (6 percent). A review of the “Other” options found that many judges listed their websites and e-mail, rather than other social-media options.
INDIVIDUAL PROFESSIONAL USE OF SOCIAL MEDIA

This year’s survey asked participants to indicate how and for what reasons they used social media in a professional capacity. Using Facebook, LinkedIn, Google+, Twitter, YouTube, Instagram, and Other as options for each question, the survey asked respondents which tools, if any, they use to 1) Read and consume content and 2) Post, comment, or share content. One could also indicate which tools, if any, were not used professionally.

Professional Use of Social Media

<table>
<thead>
<tr>
<th>Check All that Apply</th>
<th>Read &amp; Consume Content on Professional Basis</th>
<th>Post, Comment, or Share Content on Professional Basis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Facebook</td>
<td>229</td>
<td>112</td>
</tr>
<tr>
<td>LinkedIn</td>
<td>392</td>
<td>201</td>
</tr>
<tr>
<td>Google+</td>
<td>383</td>
<td>37</td>
</tr>
<tr>
<td>Twitter</td>
<td>147</td>
<td>82</td>
</tr>
<tr>
<td>YouTube</td>
<td>277</td>
<td>41</td>
</tr>
<tr>
<td>Instagram</td>
<td>13</td>
<td>7</td>
</tr>
<tr>
<td>Other</td>
<td>27</td>
<td>25</td>
</tr>
</tbody>
</table>

- The results to this set of questions were a bit surprising. For example, the top option for “Reading and consuming content” was LinkedIn, with 392 responses, or 25.3 percent of the total survey participants. This was followed closely by Google+, with 383 responses (24.7 percent).
- To “Post, comment, or share content” in a professional capacity, respondents preferred LinkedIn, with 201 responses (13 percent), followed by Facebook with 112 responses (7.2 percent).
- For both professional-use questions, roughly 1.5 percent of respondents said “Other” and explained their answers by listing Bing, MySpace, ListServ, Tumblr, Sharepoint, and WordPress, among other items.
- Finally, in this section, data show a large number of respondents indicated that they use none of the available options, clearly showing that professional use of new media still is limited among the court-related professions.
Number of Participants Who Do Not Use Social Media Professionally

<table>
<thead>
<tr>
<th>Check All that Apply</th>
<th>Do Not Use Social Media Professionally</th>
</tr>
</thead>
<tbody>
<tr>
<td>Facebook</td>
<td>1,213</td>
</tr>
<tr>
<td>LinkedIn</td>
<td>1,011</td>
</tr>
<tr>
<td>Google+</td>
<td>1,048</td>
</tr>
<tr>
<td>Twitter</td>
<td>1,250</td>
</tr>
<tr>
<td>YouTube</td>
<td>1,140</td>
</tr>
<tr>
<td>Instagram</td>
<td>1,373</td>
</tr>
<tr>
<td>Other</td>
<td>14</td>
</tr>
</tbody>
</table>

The next part of the survey asked participants why they use social media in their professional roles, as well as why they do not use the top six most-used tools. Respondents were asked to check all items applying to them.

- The task identified as the most likely reason was “To keep up with news and events in my field,” which received 610 responses, followed by “To gather information for research, work projects,” with 573 responses, and “To network,” with 467 responses.
- Additionally, there were 571 responses for “Other.” Among the explanations were business continuity, emergency management, deliver training videos to judges and court staff, research client conduct, find people wanted by arrest warrants, and post-trial scheduling information.
- Survey participants also could indicate any concerns they have for using certain social media tools in a professional role.
  - The options for indicating concerns were the following:
    - Privacy concerns
    - Ethical concerns
    - Technical limitations
    - Limited usefulness/Not interested
    - Never heard of it
  - Here, only Facebook was an exception, as the data show respondents had privacy concerns about this social media profile site as their top reason for not using it. More than 30 percent of respondents, 499 total, listed this concern for Facebook.
    - The second highest response for Facebook was “Limited Usefulness/Not interested,” with 379 responses (24.5 percent); and the third highest was “Ethical concerns,” with 336 responses (21.7 percent).
  - All other options – Google+, LinkedIn, Twitter, YouTube, and Instagram – received the same top response: “Limited usefulness/Not interested.” Anywhere from 35 to 60 percent of responses indicated a disinterest in these tools.
INDIVIDUAL PERSONAL USE OF SOCIAL MEDIA

Much like the professional-use section of the survey, participants also were asked to indicate how and for what reasons they use social media personally. Using Facebook, Google+, Twitter, YouTube, Instagram, Pinterest, and Other as options for each question, the survey asked respondents which tools, if any, they use to 1) Read and consume content and 2) Post, comment or share content. One also could indicate which tools, if any, were not used on a personal basis. Again, the results were not anticipated.

- With respondents able to select multiple tools applying to them, there were 3,272 responses for the question “Post, comment, or share content.” The top selection for personal use was YouTube with 983 responses. This was followed by Facebook (818 responses), Google+ (601 responses), Pinterest (373 responses), Twitter (296 responses), and Instagram (165 responses).
- Another 36 respondents listed “Other” as well, explaining this selection with the following: LinkedIn, Yahoo, Bing, MySpace, Tumblr, Flickr, MSN, and FourSquare.
- When posting, commenting, or sharing content on a personal basis, participants overwhelmingly preferred Facebook. It received 706 out of a total 1,293 responses (54 percent). The next most popular choice was Pinterest (14 percent), Twitter (11 percent), Instagram (.06 percent), Google+ (.06 percent), and YouTube (.05 percent).
- Like the professional-use section, a large number of responses indicate no use of these same social media tools among participants. There were 5,216 responses, with participants able to select all options applying to them. The highest number of respondents indicated no personal use of Instagram (1,218 responses), followed by Twitter (1,098 responses), and Pinterest (1,010 responses).

<table>
<thead>
<tr>
<th>Why Don’t Use</th>
<th>Privacy Concerns</th>
<th>Ethical Concerns</th>
<th>Technical Limitations</th>
<th>Limited Usefulness /Not Interested</th>
<th>Never Heard of It</th>
<th>TOTAL RESPONSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Facebook</td>
<td>499</td>
<td>336</td>
<td>49</td>
<td>379</td>
<td>5</td>
<td>1,268</td>
</tr>
<tr>
<td>Google+</td>
<td>267</td>
<td>165</td>
<td>40</td>
<td>613</td>
<td>140</td>
<td>1,225</td>
</tr>
<tr>
<td>LinkedIn</td>
<td>344</td>
<td>228</td>
<td>60</td>
<td>673</td>
<td>77</td>
<td>1,382</td>
</tr>
<tr>
<td>Twitter</td>
<td>392</td>
<td>264</td>
<td>87</td>
<td>915</td>
<td>8</td>
<td>1,666</td>
</tr>
<tr>
<td>YouTube</td>
<td>265</td>
<td>171</td>
<td>60</td>
<td>539</td>
<td>10</td>
<td>1,045</td>
</tr>
<tr>
<td>Instagram</td>
<td>321</td>
<td>205</td>
<td>64</td>
<td>911</td>
<td>236</td>
<td>1,737</td>
</tr>
</tbody>
</table>
Next, survey participants were asked why they use social media personally. Respondents could check all items applying to them.

- There were 4,706 responses to this question, with “To connect with family” as the top reason with 984 responses. The second highest response was “To connect with friends,” with 964 responses.

<table>
<thead>
<tr>
<th>Why Do You Use Social Media in Your Personal Life?</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>To Connect with Friends</td>
<td>964</td>
<td>62.2%</td>
</tr>
<tr>
<td>To Connect with Classmates</td>
<td>548</td>
<td>35.4%</td>
</tr>
<tr>
<td>To Connect with Family</td>
<td>984</td>
<td>63.5%</td>
</tr>
<tr>
<td>To Share or Comment on Political or Social Issues</td>
<td>210</td>
<td>13.5%</td>
</tr>
<tr>
<td>To Invite Friends to an Event</td>
<td>375</td>
<td>24.2%</td>
</tr>
<tr>
<td>Because It's Fun</td>
<td>460</td>
<td>29.7%</td>
</tr>
<tr>
<td>To Get Reviews on Products &amp; Services</td>
<td>403</td>
<td>26.0%</td>
</tr>
<tr>
<td>To Share Links to News &amp; Other Online Content</td>
<td>472</td>
<td>30.5%</td>
</tr>
<tr>
<td>Other</td>
<td>290</td>
<td>18.7%</td>
</tr>
</tbody>
</table>

FREQUENCY OF INDIVIDUAL USE OF SOCIAL MEDIA

The survey next asked the frequency of participants’ use of the top social media tools: Facebook, Google+, LinkedIn, Twitter, YouTube, and Instagram.

- The options for this question were:
  - Never
  - Rarely (1/month)
  - Regularly (1/week)
  - Often (1/day)
  - Fanatic ( >1/day)

- In this context, YouTube was outside of the norm of responses. For example, the top frequency claim for YouTube was “Rarely (1/month),” with 609 responses. For all other social media options, the top frequency selection was “Never.”

- In the cases of Facebook and Google+, both had the second most-selected frequency of use with “Often (1/day).”

- For Twitter, LinkedIn, and YouTube, respondents listed “Rarely (1/month)” as the second top-frequency claim.

- Instagram showed very little use, with 93.5 percent saying they never or rarely use it.
SOCIAL MEDIA POLICIES FOR THE COURTROOM

As the use of social media grows, more courts are developing policies for its use in courtrooms. The 2013 survey asked participants whether their courts have policies addressing social media use in court.

While most respondents answered that they were not sure whether their court has a social media policy (598 responses, 38.6 percent), it was almost half and half between respondents who say they have policies to respondents who say they do not have such policies: 415 participants said their courts do have courtroom policies, while 409 respondents said their courts do not have policies. Another 132 respondents said that policies vary by the courts within their particular states.

A review of the data shows that 36 states, as well as the District of Columbia and Puerto Rico have policies covering the use of Twitter in the courtroom. Similarly, 29 states, D.C., Guam, and Puerto Rico report that they have policies addressing Facebook use in the courtroom. States also report policies addressing the use of YouTube, Flickr, and LinkedIn as well.

Appendix B is a listing of the specific states and territories with social media policies addressing courtroom use.

| States with Social Media Policies for the Courtroom |
|-----------------|-----|-----|-----|
| **States**      | **DC** | **Guam** | **Puerto Rico** |
| Facebook        | 29   | √    | √    | √    |
| Twitter         | 36   | √    |     | √    |
| YouTube         | 23   | √    | √    |     |
| Flickr           | 6    |     |     |     |
| LinkedIn        | 18   | √    | √    |     |

PARTICIPANT OPINIONS ON SOCIAL MEDIA USE IN THE COURTROOM

Finally, the last section of the 2013 CCPIO survey asked respondents to indicate their agreement with specific statements about social media use in the courtroom, as well as social media use among court staff members. Respondents were asked whether they “Agree,” “Somewhat agree,” are “Neutral,” “Somewhat disagree,” or “Disagree” with a series of statements.
SOCIAL MEDIA USE BY THE PUBLIC IN THE COURTROOM

General Public & Cell Phones in the Court: All 1,550 participants answered this question. The majority, 52.4 percent, agree with this statement. Another 37.6 percent disagree with the statement, and 10 percent said they are neutral.

Percentages showing agreement or disagreement are calculated by combining "Agree" with "Somewhat Agree," and "Disagree" and "Somewhat Disagree."

<table>
<thead>
<tr>
<th></th>
<th>Agree</th>
<th>Somewhat Agree</th>
<th>Neutral</th>
<th>Somewhat Disagree</th>
<th>Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Count</td>
<td>531</td>
<td>281</td>
<td>156</td>
<td>187</td>
<td>395</td>
</tr>
<tr>
<td>Percentage</td>
<td>34.3%</td>
<td>18.1%</td>
<td>10.1%</td>
<td>12.1%</td>
<td>25.5%</td>
</tr>
<tr>
<td>TOTAL RESPONSES</td>
<td>1,550</td>
<td>100.0%</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

General Public Sending Messages from the Courtroom: Among the 1,550 participants, the overwhelming majority (77.8 percent) disagree with the statement. Only 15.3 percent agree with the statement, while almost 7 percent are neutral.

Percentages showing agreement or disagreement are calculated by combining "Agree" with "Somewhat Agree," and "Disagree" and "Somewhat Disagree."

<table>
<thead>
<tr>
<th></th>
<th>Agree</th>
<th>Somewhat Agree</th>
<th>Neutral</th>
<th>Somewhat Disagree</th>
<th>Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Count</td>
<td>116</td>
<td>121</td>
<td>107</td>
<td>181</td>
<td>1,025</td>
</tr>
<tr>
<td>Percentage</td>
<td>7.5%</td>
<td>7.8%</td>
<td>6.9%</td>
<td>11.7%</td>
<td>66.1%</td>
</tr>
<tr>
<td>TOTAL RESPONSES</td>
<td>1,550</td>
<td>100.0%</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

COURTROOM USE BY THE MEDIA

Media Sending Messages from the Courtroom: Survey respondents show no change in attitude toward media use of social media in the courtroom. Almost 59 percent disagree with the statement, while 29.8 percent agree. More than 11 percent say they are neutral toward media use.

Percentages showing agreement or disagreement are calculated by combining "Agree" with "Somewhat Agree," and "Disagree" and "Somewhat Disagree."

<table>
<thead>
<tr>
<th></th>
<th>Agree</th>
<th>Somewhat Agree</th>
<th>Neutral</th>
<th>Somewhat Disagree</th>
<th>Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Count</td>
<td>235</td>
<td>226</td>
<td>177</td>
<td>171</td>
<td>741</td>
</tr>
<tr>
<td>Percentage</td>
<td>15.2%</td>
<td>14.6%</td>
<td>11.4%</td>
<td>11.0%</td>
<td>47.8%</td>
</tr>
<tr>
<td>TOTAL RESPONSES</td>
<td>1,550</td>
<td>100.0%</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Media Making Audio Recordings of Court Proceedings: As before, participants disagree with permitting media to make audio recordings from the courtroom, as 57 percent said they disagree with the statement. More than 29 percent, however, said media should be permitted to record audio from the courtroom. Nine percent said they are neutral.

Percentages showing agreement or disagreement are calculated by combining “Agree” with “Somewhat Agree,” and “Disagree” and “Somewhat Disagree.”

| The media should be allowed to make audio recordings of court proceedings. |
|-----------------------------|-----------------|-----------------|
| Agree                       | 256             | 16.5%           |
| Somewhat Agree              | 198             | 12.8%           |
| Neutral                     | 210             | 13.5%           |
| Somewhat Disagree           | 140             | 9.0%            |
| Disagree                    | 746             | 48.1%           |
| TOTAL RESPONSES             | 1,550           | 100.0%          |

Media Taking Video or Photos of Court Proceedings: This question shows participants still disagree with giving media permission to record through photos or video courtroom proceedings, but the gap in agreement becomes closer. For example, 45.7 percent said they disagree with the statement, while 40.3 percent said they agree with the statement. The remaining 14 percent said they are neutral.

Percentages showing agreement or disagreement are calculated by combining “Agree” with “Somewhat Agree,” and “Disagree” and “Somewhat Disagree.”

| The media should be allowed, with some restrictions, to take photo and video of court proceedings. |
|-----------------------------|-----------------|-----------------|
| Agree                       | 337             | 21.7%           |
| Somewhat Agree              | 288             | 18.6%           |
| Neutral                     | 217             | 14.0%           |
| Somewhat Disagree           | 147             | 9.5%            |
| Disagree                    | 561             | 36.2%           |
| TOTAL RESPONSES             | 1,550           | 100.0%          |

SOCIAL MEDIA USE AND FAMILIARITY FOR JUDGES AND COURT STAFF

Through the last five questions, participants indicated their agreement or disagreement on whether social media was helpful and whether it could be used without compromising ethics.

New Media are Necessary Court Tools: While most respondents disagree with this statement, the gap narrows. For example, 42 percent disagree with the statement, but 34 percent agree that social media is necessary for working with the public. More than 24 percent said they are neutral regarding the statement.

Percentages showing agreement or disagreement are calculated by combining “Agree” with “Somewhat Agree,” and “Disagree” and “Somewhat Disagree.”
Essential for Court Personnel to be Educated about New Media in Order to Serve the Courts: Here, respondents overwhelmingly agreed with the statement that judges and court staff should know how to use social media. More than 68 percent said they agree with the statement, while 13 percent said they disagree. More than 18 percent said they are neutral.

Percentages showing agreement or disagreement are calculated by combining “Agree” with “Somewhat Agree,” and “Disagree” and “Somewhat Disagree.”

Essential for Court Personnel to be Educated about New Media to Ensure Technologies Do Not Inappropriately Impact Court Proceedings: Few respondents disagree with this statement. In fact, more than 91 percent agree with the statement. Less than 3 percent disagree with the statement and less than 6 percent said they are neutral.

Percentages showing agreement or disagreement are calculated by combining “Agree” with “Somewhat Agree,” and “Disagree” and “Somewhat Disagree.”

Judges Can Maintain Facebook Profiles Without Compromising Ethics: Just less than half of the respondents agree with this statement, believing that judges can maintain a personal Facebook site without compromising ethics. Specifically, 49.6 percent said they agree with this statement. Another 28.7 percent said they disagree, while 21.6 percent said they are neutral.

Percentages showing agreement or disagreement are calculated by combining “Agree” with “Somewhat Agree,” and “Disagree” and “Somewhat Disagree.”

---

<table>
<thead>
<tr>
<th>Agree</th>
<th>631</th>
<th>40.7%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Somewhat Agree</td>
<td>431</td>
<td>27.8%</td>
</tr>
<tr>
<td>Neutral</td>
<td>280</td>
<td>18.1%</td>
</tr>
<tr>
<td>Somewhat Disagree</td>
<td>92</td>
<td>5.9%</td>
</tr>
<tr>
<td>Disagree</td>
<td>116</td>
<td>7.5%</td>
</tr>
<tr>
<td>TOTAL RESPONSES</td>
<td>1,550</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Agree</th>
<th>1,108</th>
<th>71.5%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Somewhat Agree</td>
<td>307</td>
<td>19.8%</td>
</tr>
<tr>
<td>Neutral</td>
<td>89</td>
<td>5.7%</td>
</tr>
<tr>
<td>Somewhat Disagree</td>
<td>13</td>
<td>0.8%</td>
</tr>
<tr>
<td>Disagree</td>
<td>32</td>
<td>2.1%</td>
</tr>
<tr>
<td>TOTAL RESPONSES</td>
<td>1,550</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Agree</th>
<th>489</th>
<th>31.5%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Somewhat Agree</td>
<td>280</td>
<td>18.1%</td>
</tr>
<tr>
<td>Neutral</td>
<td>335</td>
<td>21.6%</td>
</tr>
<tr>
<td>Somewhat Disagree</td>
<td>230</td>
<td>14.8%</td>
</tr>
<tr>
<td>Disagree</td>
<td>215</td>
<td>13.9%</td>
</tr>
<tr>
<td>TOTAL RESPONSES</td>
<td>1,550</td>
<td>100.0%</td>
</tr>
</tbody>
</table>
Judges Can Use Other Social Networking Sites Without Compromising Ethics: A majority of respondents agree with this statement that other social media sites can be used by judges without compromising professional ethics. A total of 53 percent said they agree with the statement. Only 22 percent said they disagree, but nearly 25 percent remain neutral.

Court Staff Can Use Other Social Networking Sites Without Compromising Ethics: Nearly 65 percent agree with this statement affecting court staff using other networking sites without compromising ethics. Only 16 percent disagree with the statement, while just less than 20 percent said they are neutral.

TRENDS

As mentioned previously, the 2013 survey was carefully restructured and streamlined to consolidate topics in order to make the survey easier to complete. In doing so, there are certain questions for which the ability to compare results to previous years is limited. Still, trends over the four years are apparent.

A review of CCPIO surveys, from 2010 through 2013, shows that judicial officers and court personnel are slowly coming to believe that there are the benefits of social-media use by the courts, and thus, their use of social media is slowly increasing as well.
Courts’ Facebook Sees Slow Growth

For example, courts’ use of social media profile sites, such as Facebook, increased over the first three years studied, but fell very slightly among respondents in 2013. A low of 6.7 percent of participants said their courts were using Facebook in 2010, to a high of 13.2 percent who said their courts use the same social media profile tool in 2012. More than 11 percent in the 2013 survey said their courts use social media profile sites, such as Facebook. Future years will indicate whether this is just an insignificant, random fluctuation.

![Courts' Use of Facebook 2010-2013](image)

Use of Visual Media Sharing Sees Similar Growth

Like the use of Facebook, courts’ use of visual media sharing sites like YouTube and Flickr increased for the first three years and then fell slightly in 2013. In 2010, only 3.2 percent said their courts used sites like YouTube or Flickr. After a small tick downward in 2011, the use jumped to 9.5 percent in 2012 and fell again slightly to 7.3 percent in 2013.

![Courts' Use of Visual Media Sharing Sites 2010-2013](image)
Use of LinkedIn Sees Same Growth Before Large Drop

From 2010 to 2012, the professional use of LinkedIn by all respondents and by judges only increased steadily before dropping significantly in 2013. Specifically, judges’ use of LinkedIn was more than 20 percent in 2010 and grew to 22.1 percent in 2011 and 32.8 percent in 2012. In 2013, judges reported use of LinkedIn considerably less, at 14.4 percent. The use of LinkedIn by all respondents started at a healthy 30.8 percent in 2010, grew to 37.9 percent in 2011, and 46.2 percent in 2012, before dropping to under 20 percent in 2013.

Agreement toward Staff Use and Understanding of Social Media Falls

After three years of near unanimous agreement that court employees should be educated about new media technologies in order to use the tools to serve the courts, the 2013 survey shows a slight drop in such agreement.
In 2010, 96.4 percent of general respondents agreed, strongly agreed, or were neutral regarding the statement, followed by nearly 96 percent in 2011 and more than 96 percent in 2012. In 2013, such agreement fell to 86.6 percent. Similarly, for judge respondents only, their agreement was 91.5 percent in 2010, 95.3 percent in 2011, and 96 percent in 2012, but fell in 2013 to 86.5 percent.

Judicial Officers’ Use of Social Media without Compromising Ethics

Likely because the general public and judges are now more familiar with such social media tools, such as Facebook, the trend for those agreeing, strongly agreeing, or remaining neutral toward this statement is on an upward trajectory.

For example, in general, all respondents showed agreement or neutrality toward Facebook use without compromising ethics in the 2010 survey, with 65.8 percent in agreement. Slowly rising to almost 78 percent in 2013, all respondents are showing a strong majority agreement.

Among judges only, 63.1 percent agreed with the statement in 2010. Rising in years 2011 and 2012, judges continue to agree with the statement in 2013, with more than 71 percent in agreement.
CONCLUSIONS

Since the publication of the last *CCPIO New Media Survey*, courts have continued to experiment with social media and other new media tools to connect with the public and fulfill their obligation to be open, transparent, and understandable institutions. At the same time, lawyers, judges and courts have continued to experience challenges in balancing new media use with protecting the integrity of proceedings, judicial ethics, and other concerns. The 2013 *CCPIO New Media Survey* paints a picture of a judicial system that is optimistic about the potential new media brings while cautiously guarding against the risks.
Acknowledgements

The authors of this report are Christopher J. Davey, director of public information for the Supreme Court of Ohio, and Carol Taylor, publications manager for the Supreme Court of Ohio. Contributing to the report were: Gregory S. Hurley, NCSC senior knowledge management analyst, for statistical assistance with the survey; Nora Sydow, NCSC senior analyst, for statistical assistance; Jesse Rutledge, NCSC vice president of external affairs, for consulting on the project and for lending material support from NCSC; Karen Salaz, CCPIO president and district administrator for the 19th Judicial District of Colorado, for assisting with the survey design and reviewing the report; and Thomas Hodson of the E.W. Scripps School of Journalism at Ohio University, for assisting with the survey design and reviewing the report.

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iv Ibid.


xvi See http://www.courtnewsohio.gov/default.asp.
GENERAL SUMMARY OF CCPIO SURVEY RESULTS

RESPONDENTS

- 1,550 respondents total
  - 31.5% (488) were judicial officers (judges or magistrates)
  - 68.5% (1,062) were not judicial officers

JURISDICTION

- 52.1% were from state trial courts (807)
- 22.1% were from state administrative offices of courts (342)
- Overall, regarding jurisdiction, of the 1,550 respondents
  - 146 (9.4%) were from local courts
  - 1,255 (81%) were from state courts
  - 54 (3.5%) were from federal courts
  - 95 (6.1%) were from other

JUDICIAL ELECTIONS

- 804 (51.9%) stand for competitive elections
- 472 (30.5%) stand for retention election
- 143 (9.2%) never stand for election
- 131 (8.5%) other

AGE

- Majority of respondents (67%) were between the ages of 46 and 65

USE OF SOCIAL MEDIA

Personal Use: Read & Consume Content

- 63.4% YouTube
- 52.8% Facebook
- (Percentages will not add up to 100)

Personal Use: Post, Comment or Share Content

- 45.5% Facebook
- Second highest is Pinterest at 11.4%
- (Percentages will not add up to 100)
Professional Use: Read & Consume Content

- LinkedIn, 25.3%
- Google+, 24.7%
- YouTube, 17.9%
- Facebook, 14.8%
- Twitter, 9.5%

(Percentages will not add up to 100)

Professional Use: Post, Comment or Share Content

- Low use of all options
- Only 505 responses
  - Highest tool used professionally was LinkedIn at 13%
  - Second highest was Facebook at 7%

(Percentages will not add up to 100)

Why Respondents Use Social Media in Personal Life

- Family & Friends
  - 63.5% said to connect with family
  - 62.2% said to connect with friends
- It appears respondents don’t want to get involved in polarizing topics
  - 13.5% of respondents, the lowest response, said they use social media to share or comment on political or social issues

Why Respondents Use Social Media in Professional Life

- To get information and to network
  - 39.4% said to keep up with news and events in their field
  - 37% said to gather information for research and work projects
  - 30.1% said to network

- The lowest responses were:
  - For job seeking (9%)
  - To promote membership in associations/organizations (12.8%)

Why are social media tools not used

- For 5 of the 6 options listed (Google+, LinkedIn, Twitter, YouTube and Instagram), the majority said the reasons they did not use them was because of “Limited Usefulness/Not interested”
- Facebook was the 6th option listed
  - The top reason respondents said they didn’t use Facebook was because of privacy concerns (32.2%)
  - Second highest reason was “Limited Usefulness/Not Interested” (24.5%)
  - Third highest reason was for ethical concerns (21.7%)
FREQUENCY OF USING SOCIAL MEDIA

Frequency of using Facebook

- The largest response was “Never” at 36.1%
- Overall, the respondents who said they never or rarely use Facebook totaled 47.4% (734)
- The number of respondents who said they use Facebook at least once a day or more totaled 37.9% (588)

Frequency of using Google+

- The largest response was “Never” at 59.1% (916)
- The total respondents who said they never or rarely use Google+ totaled 69.6% (1,079)
- The total respondents who said they use Google+ once a day or more totaled 28.8% (292)

Frequency of using LinkedIn

- 63.4% said they never use LinkedIn
- 82.6% said they never or rarely use LinkedIn
- 52 respondents said they use LinkedIn once a day or more (3.3%)

Frequency of using Twitter

- Highest response was “Never” at 76.5% (1,186)
- 86.7% said they never or rarely use Twitter (1,344)
- 109 respondents said they use Twitter once a day or more (7.0%)

Frequency of using YouTube

- Highest response was “Rarely (1/month)” at 39.3% (609)
- Those who said they never or rarely use YouTube totaled 72.4% (1,107)
- Those who said they use YouTube once a day or more totaled 74 or 4.8%

Frequency of using Instagram

- Highest response was “Never” at 87.5% or 1,357
- Those who said they never or rarely use Instagram totaled 93.5% or 1,450
- Those who said they use Instagram once a day or more totaled 47 (3.0%)
ELECTION CAMPAIGN USE

- Social media use among campaigns is low among respondents
- Of the 487 respondents that were affected by campaigns, 294 said they do not use social media and another 68 said they were sure if their campaign used social media
- Of the remaining election-affected respondents, 96 use social media
  - Facebook was the most popular with 51 campaigns using it
  - Twitter was the 2nd most popular, with 20 users and YouTube was the 3rd most popular with 14 users
- 29 respondents said “Other”; of those who explained, all said “web site” or “e-mail”

COURT USE OF SOCIAL MEDIA

(There were 8 options from which respondents could select; they could select more than 1 option)

- Of the 1,796 total responses, 1,196 said their court used no social media or that they weren’t sure whether social media is used
- Twitter was the most used tool for courts at 221 users
- The 2nd highest was Facebook at 175 users
- YouTube had 102 users
- Others were: LinkedIn, 48; Flickr, 11.
- 43 said “Other” and explained their answers with: web site; email; NeoGov; RSS; SMS text; CourtNet; Google; Judicom; Novell; Wikipedia; Monster; Microsoft

Court Use of Tool Options

- Facebook and Twitter are the most popular tools among courts
- Courts also use YouTube appropriately, to explain information to pro se litigants
- LinkedIn is the 3rd most popular option for posting jobs, an appropriate use

- To promote events
  - 123 use Facebook; 122 use Twitter

- To educate the public
  - 157 use Twitter; 136 use Facebook

- To release decisions
  - 95 use Twitter; 47 use Facebook

- To explain court processes to pro se litigants
  - 56 use YouTube; 31 use Facebook; 21 use Twitter

- To post jobs
  - 40 use Facebook; 39 use Twitter; 24 use LinkedIn
To communicate internally
  ▪ 18 use Twitter; 17 use Facebook; 14 use LinkedIn; 12 use YouTube; 6 use Flickr

For media relations
  ▪ 135 use Twitter; 103 use Facebook; 47 use YouTube

To provide juror information
o 33 use Facebook; 26 use YouTube; 22 use Twitter

To drive traffic to main court website
  ▪ 75 use Twitter; 63 use Facebook

To gather and monitor news & information
  ▪ 77 use Twitter; 58 use Facebook

To share court facility info
  ▪ 45 use Facebook; 35 use Twitter

For emergency management
  ▪ 64 use Twitter; 45 use Facebook

USE OF SOCIAL MEDIA IN THE COURTROOM OR AMONG COURT STAFF

Courts’ Social Media Policies for Courtroom Use

o Nearly the same number of courts have policies as those that do not
  ▪ 415 said they do have a policy
  ▪ 409 said they do not have a policy
o 598 said they didn’t know if their court has a policy
o 132 said the use of policies varies by courts in the state

Respondents’ Agreement to the Following Statements

Use in the Courtroom

“The general public, including litigants, should be prohibited from bringing cell phones and other mobile devices into the courthouse.”

o Most agree with this statement
o 52.4% agree or somewhat agree with the statement
o 37.6% disagree or somewhat disagree
o 10.1% were neutral
“The general public, including litigants, should be allowed to silently tweet, text, and email in the courtroom.”

- Respondents overwhelmingly disagree with this statement
  - 77.8% disagree or somewhat disagree with the statement (1,025 respondents fully disagree)
  - 15.3% agree or somewhat agree
  - 6.9% were neutral

“The media should be allowed to silently tweet, text, and email in the courtroom.”

- Respondents don’t favor the media either
  - 58.8% disagree or somewhat disagree with the statement
  - 29.8% agree or somewhat agree
  - 11.4% were neutral

“The media should be allowed to make audio recordings of court proceedings.

- No audio recordings for the media
  - 57.1% disagree or somewhat disagree with the statement
  - 29.3% agree or somewhat agree
  - 13.5% were neutral

“The media should be allowed, with some restrictions, to take photos and video of court proceedings.”

- Respondents start to contradict themselves here
  - The majority said “no,” but a good number of respondents said “yes.”
  - 45.7% disagree or somewhat disagree with the statement
  - 40.3% agree or somewhat agree
  - 14% were neutral

Social media use among court staff

“New media, such as Facebook, Twitter and YouTube are necessary court tools for public outreach.”

- Almost 50/50, but more disagree
  - 42% disagree or somewhat disagree
  - 34% agree or somewhat agree
  - 24.1% were neutral

“It is essential that judicial officers and court employees are educated about new media technologies so they can make the most use of the technologies to serve the courts.”

- Agreement is overwhelming
  - 68.5% agree or somewhat agree with the statement
  - 13.4% disagree or somewhat disagree
  - 18.1% were neutral
“It is essential that judicial officers and court employees are educated about new media technologies to ensure the technologies do not inappropriately impact court proceedings.”

- 91.3% agree or somewhat agree with the statement
- 2.9% disagree or somewhat disagree
- 5.7% were neutral

“Judicial officers can maintain a personal Facebook profile without compromising professional codes of ethics.”

- 49.6% agree or somewhat agree with the statement
- 28.7% disagree or somewhat disagree
- 21.6% were neutral

“Judicial officers can use other social networking sites, such as LinkedIn and Google+ without compromising professional codes of ethics.”

- 53% agree or somewhat agree with the statement
- 22% disagree or somewhat disagree
- 24.9% were neutral

“Court staff can use social networking sites, such as Facebook, LinkedIn and Google+ without compromising professional codes of ethics.”

- 64.4% agree or somewhat agree with the statement
- 16.1% disagree or somewhat disagree
- 19.4% were neutral
## SOCIAL MEDIA POLICIES FOR COURTROOM USE

Courts in the following states have policies for social media use in the courtroom

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