

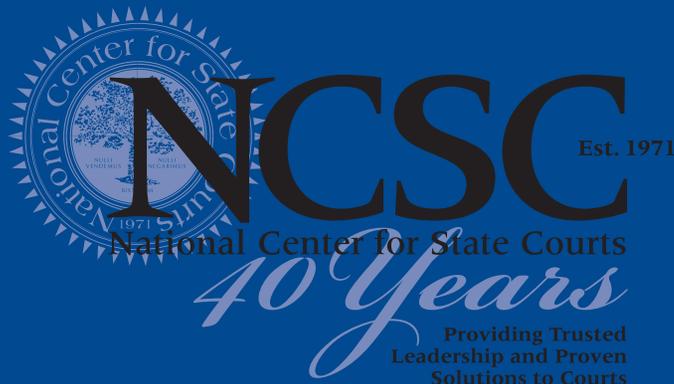
# FUTURE TRENDS IN STATE COURTS

## 2011

*Special Focus on Access to Justice*

*From Sketch Pads to  
Smart Phones: How  
Social Media Has  
Changed Coverage of  
the Judiciary*

*Laura Click*



## FROM SKETCH PADS TO SMART PHONES: HOW SOCIAL MEDIA HAS CHANGED COVERAGE OF THE JUDICIARY

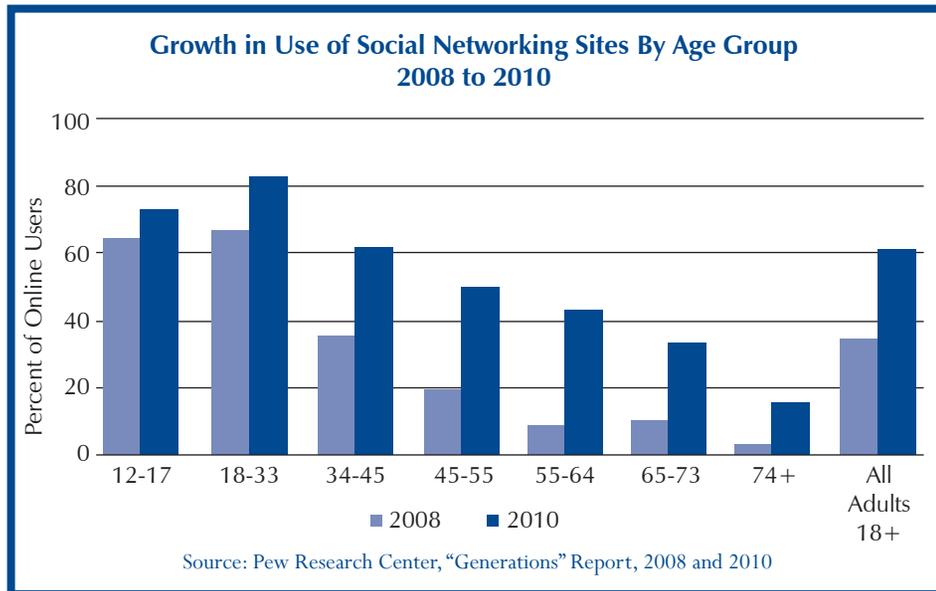
### Laura Click

Public Information Officer, Tennessee Supreme Court

*The advent of social media has transformed the way journalists report the news. Courts must educate themselves about the seismic shift in the media landscape to have a better understanding of how these changes will impact the courts.*

“Verdict: Death.”

With those two simple words, Jamie Satterfield, a reporter from the *Knoxville News Sentinel*, let her hundreds of Twitter followers know about the verdict in the double homicide and torture of a young couple from Knoxville.



She was not alone. A number of Knoxville-area reporters—both from TV and print publications—also gave their play-by-play reporting of the trial via Twitter. And on top of the official reporters, hundreds of people watching the trial online or on TV chimed in with their thoughts throughout the trial.

The Christian-Newsom murder trials in Knoxville were nearly two years ago. Since then, social-media coverage of trials has expanded considerably as the popularity of social networks, and the media’s use of them, has increased.

The growing trend of Twitter reporting gained national attention in the recent home-invasion-and-murder trial of Steven J. Hayes in Cheshire, Connecticut. Although cameras were not allowed in the courtroom, the judge permitted the use of social media via smart phones and computers. Reporters used the opportunity to paint a picture of the proceeding in 140-character bursts. According to the *New York Times*, more than 140,000 tweets were sent during the Cheshire trial.

This phenomenon is no longer the exception. Twitter reporting is increasingly becoming the norm in courtrooms across the country.

The courts have long struggled with how to handle media coverage of the courts. Despite it being a decades-old medium, video cameras and photography are still not allowed in many courtrooms. Now the courts are being forced to consider this brave new technology that is knocking on their doors. For many courts still grappling with the idea of camera coverage in their courtrooms, the prospect of allowing social-media coverage may seem preposterous. However, like the Cheshire trial, allowing reporters to use social media might be a way to bridge the gap between allowing no media coverage and allowing cameras in the courtroom.

Instead of satellite feeds and expensive video equipment, reporters only need a smart phone to do the job. Because it is inconspicuous, it would allay the concerns many judges have about the obtrusive nature of television cameras or photography. And this approach offers the public a way to get information about the proceeding as it happens in courts that do not allow video coverage.

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That said, social-media coverage of courtroom proceedings is far from perfect. Because this style of reporting and the technology itself is relatively new, reporters are forced to learn on their feet and figure out the best practices as they go. Additionally, it opens up the possibility for testimony to be reported that may ultimately be stricken from the record.

So, what does all of this mean for the judiciary? There are several key ways coverage of the judicial branch has shifted since social media infiltrated courtrooms across the country.

### **News Has Become Instantaneous**

One of the most obvious changes that social media created in media coverage is the rapid pace information is disseminated. Although the Internet has been around for a number of years, it takes much longer to get a story posted on a Web site than to deliver a verdict with a tweet. Thanks to social media, news is shorter and faster than ever before.

The upside to this is that courts have the opportunity to see a reporter's thoughts and analysis as a proceeding is taking place. For statewide court systems, this can be particularly useful as it allows court personnel to track what is going on in trials across the state without having to be in the courtroom.

### **Everyone Is a Journalist**

In the world of social media, the line between citizen and journalist has become increasingly blurred. A person only needs a smart phone or laptop to share information on a social network or write an article on a blog. No credentials, training, or background are required.

This brings up the question, *Who is a journalist?*

The question is a perplexing one for courts to answer. While the courts should maintain a level of openness, it is difficult to ensure accuracy and quality of coverage from people who are not trained media professionals or familiar with the legal system. Additionally, many citizen journalists do not have the proper equipment to serve as pool cameras in proceedings.

In a Florida trial court, the wife of a defendant posed as a journalist in hopes of being allowed to use her video camera in a court proceeding. She was thwarted by a court public information officer who cited a Florida statute that outlines what is considered a "professional journalist." Having such rules in place stymie those without the proper credentials to cover proceedings.

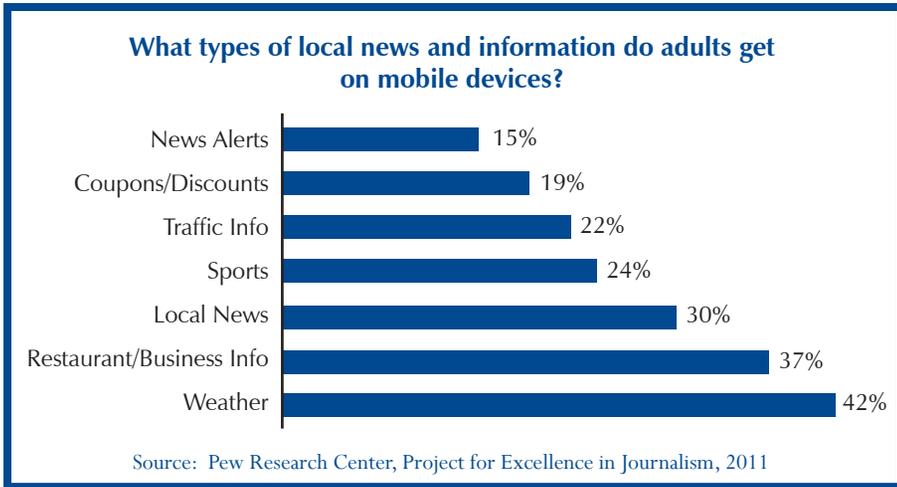
On the flip side of the coin, shrinking budgets and staff have created gaping holes in the media's coverage of the courts. Why not let citizen journalists fill the void? And should not the courts strive to make the proceedings open to help further their reach?

There are no easy answers, but the courts must consider developing rules to make it easier for court staff to know where to draw the line.

### **The Filter of an Editor Is Lost**

Although social media offers the advantage of immediacy, it also lacks the value of an editor's eye. Tweets fly as quickly as reporters can type them with their thumbs. As a result, reporters are forced to make split-second decisions on how and what to share with their audience.

Consider the Christian-Newsom murder trials. Although video coverage was allowed, the cameras did not show the graphic photos of the victims used during testimony. However, the reporters who were tweeting were able to describe what they saw, leaving reporters to determine how far to take their coverage. On the other end of the spectrum, one reporter received flak for taking a casual tone during her coverage—injecting humor into tweets or sharing inane details such as what the defendants were wearing and what the jury had for lunch.



With the lack of editorial filter, reporters are left to both write and decide what is appropriate for their audience. This certainly opens the door for all sorts of potential problems.

### The News Is a Conversation

In recent years, news has become increasingly a two-way conversation. We have seen this for several years now as many news organizations allow comments on their articles. This technology offers incredible opportunities for the public to engage in a dialogue with the media and share their insights. However, the conversational nature of news has presented its own set of challenges.

In some instances, reporters have waded into the debate to clarify their story, just as Jamie Satterfield did in the Christian-Newsom case. In others, editors have closed the comments on certain stories because they have become so corrosive and egregious. And the rest of the time, there are plenty of comments that are simply untrue. Because the public is entitled to their opinion, how can the courts control inaccuracies that spread in the public eye? Unfortunately, we cannot.

The challenge for courts is to keep accurate information in the public forum and help educate citizens and the media about how the courts work. Although courts

should not wade into the debate, disseminating useful, accurate information through social media may help keep false statements at bay.

### A New Audience Is Reached

Despite all of its downfalls, social media offers the tremendous benefit of reaching an audience that may not typically read about the courts. Social-media use skews to a younger audience, which creates a great opportunity to inform and educate this population about how the legal system works.

Instead of relying solely on journalists to disseminate information about the judicial branch, courts can employ social media to make their own news. Twitter, Facebook, YouTube, Flickr, and blogs offer a unique opportunity to reach the public in the places where they already hang out online. This is perhaps one of the biggest shifts in how media has changed. Although press releases and traditional media channels are still valuable, courts have the unique opportunity to spread information without relying solely on the press to do all the legwork.

A number of courts across the country use social media to proactively inform the public about the initiatives of the judiciary:

- **Educational Videos on YouTube.** Several courts, such as the Indiana Supreme Court, New Jersey Supreme Court, and the U.S. Federal Courts, share videos on YouTube to educate and inform the public about the courts and how they operate. Each channel has received thousands of views. Indiana's videos have been viewed more than 150,000 times, proving there is public interest in the information.
- **Public Resources on Facebook.** Fulton County Superior Court in Georgia and Maricopa County Superior Court in Arizona use Facebook to promote free legal clinics and classes and show what to expect in jury duty. Facebook offers a great way to provide useful resources for the public to better understand and interact with the court system.
- **High-Profile Cases on Twitter.** Tennessee courts use Twitter to post last-minute filings during looming executions. This has proved a valuable way to get information to the public and the media quickly and efficiently. The Florida Supreme Court has also had recent success using Twitter to

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distribute docket information for a high-profile case involving federal stimulus money. Thanks to Twitter, the public information officer was able to quickly let the press and public know when oral arguments were scheduled with less than 24 hours notice.

These are just a few examples of how the courts are leveraging social media to their benefit. Strategic use of social media *can* be beneficial to the courts.

### **Where Does that Leave Us?**

What action should the courts take? Here are a few things courts should consider in the wake of this changing landscape.

1. ***Update media coverage rules to include smart phones.*** Courts should consider proper rules to govern the media's use of social media in the courtroom. The New Hampshire Supreme Court amended their media rule to include provisions about smart phones. In their rule, electronic devices are permitted in the courtroom, provided they remain on "silent mode." The Arkansas Supreme Court, on the other hand, prohibits the use of electronic devices completely to prevent the use of e-mail or social media during proceedings. A number of courts across the country do not have guidelines, leaving the media to guess what is considered appropriate. No matter which way the courts decide to go, developing proper rules will help both the courts and the media understand what constitutes acceptable smart-phone use in court.
2. ***Consider using social media as a mouthpiece.*** As demonstrated earlier, a number of courts have used social media to enhance public-outreach efforts. Courts should examine possible ways to implement social media to assist with the ongoing need to educate and inform the public.
3. ***Set guidelines for professional journalists.*** Defining who is a journalist is

no easy task. However, putting rules in place about who is a journalist will help both the courts and the media understand who is allowed to cover a proceeding. This also ensures that coverage is granted fairly and equally.

4. ***Monitor the conversation for errors.*** Even if courts do not actively participate in social media, it is helpful to monitor what is being said about the courts on social platforms. Paying attention to what reporters and the public are saying may help PIOs consider new ways to communicate information to help prevent inaccuracies and better inform the public. It also allows PIOs and court staff to consider when, and if, a response is needed to correct errors. Being aware of what is being said about the courts is an important task to help preserve the integrity of information that is being shared about the courts.

Courts are notoriously slow to adapt to change, but it is imperative to understand the growing phenomenon of social media and how it affects the coverage of the courts. Recognizing the changing landscape of the media is critical to remaining relevant and accessible to the media and public in this new environment.

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