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# SUMMONED BY SOCIAL MEDIA: WHY AUSTRALIAN COURTS SHOULD HAVE SOCIAL MEDIA ACCOUNTS

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## I INTRODUCTION

Judge Marilyn Huff of the District Court in the United States states that

... (although I don't know how to do it) apparently I can put something on YouTube. Apparently it's pretty easy to do. In this election, President-elect Obama was able to energize the whole younger generation and get that information out. There's no reason why courts couldn't do the same.<sup>1</sup>

Many court staff currently contemplate the idea that Her Honour discussed: using social media to inform and engage the public. It's critical for court staff to inform the public about their work and court processes. Court staff give information to the public primarily through websites and through providing information to the media. The media then distribute the information.<sup>2</sup> The media has typically been the most important method for court staff to provide information to the public.<sup>3</sup> At the moment, the traditional media's provision of information to the public has decreased, whilst social media provides increasing information.<sup>4</sup>

Social media are websites that allow people to exchange knowledge and ideas easily and quickly.<sup>5</sup> They are highly interactive and have a community focus.<sup>6</sup> People who use social media can exchange text and audiovisual items.<sup>7</sup> They can also edit the information that they share.

There are several different social media.<sup>8</sup> Facebook is one type of social medium that permits its users to instantly chat with friends and share photos and videos.<sup>9</sup> Users establish their own profile page.<sup>10</sup> Twitter is a social medium that allows users to post short updates called tweets.<sup>11</sup> Each tweet is limited to 140 characters.<sup>12</sup> Users can 'follow' someone's tweets.<sup>13</sup>

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<sup>1</sup> The Reynolds National Center for Courts and Media et al, *FYI, LOL or OMG? Technology's Impact on the Courts and the Media* (2009) at 11, [http://www.courtsandmedia.org/pdf/rnccm\\_fyi\\_book.pdf](http://www.courtsandmedia.org/pdf/rnccm_fyi_book.pdf) viewed 5 August 2013.

<sup>2</sup> Salaz, Karen , Hodson, Thomas and Davey, Chris J., *New Media and the Courts: The Current Status and a Look at the Future* (August 26, 2010). Available at SSRN: <http://ssrn.com/abstract=1666332> at 25, viewed 18 August 2013.

<sup>3</sup> Salaz, Karen , Hodson, Thomas and Davey, Chris J., *New Media and the Courts: The Current Status and a Look at the Future* (August 26, 2010). Available at SSRN: <http://ssrn.com/abstract=1666332> at 25, viewed 18 August 2013.

<sup>4</sup> Salaz, Karen , Hodson, Thomas and Davey, Chris J., *New Media and the Courts: The Current Status and a Look at the Future* (August 26, 2010). Available at SSRN: <http://ssrn.com/abstract=1666332> at 25, viewed 18 August 2013.

<sup>5</sup> Salaz, Karen , Hodson, Thomas and Davey, Chris J., *New Media and the Courts: The Current Status and a Look at the Future* (August 26, 2010). Available at SSRN: <http://ssrn.com/abstract=1666332> at 19, viewed 18 August 2013.

<sup>6</sup> Salaz, Karen , Hodson, Thomas and Davey, Chris J., *New Media and the Courts: The Current Status and a Look at the Future* (August 26, 2010). Available at SSRN: <http://ssrn.com/abstract=1666332> at 19, viewed 18 August 2013.

<sup>7</sup> Anne Wallace et al, 'Courts and Social Media: Opportunities and Challenges' (2013) 40(7) *Brief* 36, 37.

<sup>8</sup> *Ibid.*

<sup>9</sup> Brian Fitzgerald, Cheryl Foong and Megan Tucker, 'Web 2.0, Social Networking and the Courts' (2011) 35 *Aust Bar Rev* 281.

<sup>10</sup> *Ibid.*

<sup>11</sup> Marilyn Krawitz, 'Can Australian Judges Keep their "Friends" Close and their Ethical Obligations Closer? An Analysis of the Issues Regarding Australian Judges' Use of Social Media' (2013) 23 *JJA* 14, 15.

<sup>12</sup> Diane M Barone and Marla H Mallette, 'On Using Twitter' (2013) 66(5) *The Reading Teacher* 377, 377.

<sup>13</sup> Twitter Inc., *Facts About Following* (2013) at [1], <https://support.twitter.com/articles/14019-faqs-about-following> viewed 13 August 2013.

This means that the tweets of the person whom they follow appear on their homepage.<sup>14</sup> They also appear in the user's list of people who follow him or her on his or her homepage.<sup>15</sup> YouTube is another social medium that allows users to create a 'channel'.<sup>16</sup> Users can post videos on their channels for people to watch.<sup>17</sup>

'In a world that has seen incredible changes due to technology, one institution – the court system long rooted in tradition – has been slow to embrace technology's benefits.'<sup>18</sup> I wanted to find out why this is the case in the area of social media use. During May to July 2013 I emailed a questionnaire to 23 different staff who work at courts in Australia, Canada, the United Kingdom and the United States.<sup>19</sup> The purpose of the questionnaire was to find out whether court staff have created social media accounts to engage the public. If court staff do not use social media, then the questionnaire asked them why. I received 15 completed questionnaires. This is a 65% response rate. Appendix B to this article contains the questionnaire's questions.<sup>20</sup> Appendix A to this article contains a list of the URLs for the social media accounts of the court staff who answered the survey and stated that they have social media accounts.

This article is important for court employees who work in the media or in public engagement in the four relevant jurisdictions that this article discusses. The author believes that this is the first scholarly article to examine how court staff use social media in the four relevant jurisdictions.

This article will discuss the public's confidence in the courts and the judiciary. It will then examine the benefits that using social media can bring to Australian courts. After this, it will consider the reasons why some court staff in Australia do not use social media. Then it will examine which social media Australian court staff should use and what content they should post. It will then offer suggestions about how court staff can start to use social media. Ultimately, it argues that Australian court staff who do not use social media would benefit from using it as soon as possible to improve the public's confidence in the courts and the judiciary.

The discussion in this article is limited to court staff using social media for work purposes, as court representatives. This is as opposed to court staff using social media for personal

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<sup>14</sup> Twitter Inc., *Facts About Following* (2013) at [1], <https://support.twitter.com/articles/14019-faqs-about-following#> viewed 13 August 2013.

<sup>15</sup> Twitter Inc., *Facts About Following* (2013) at [2], <https://support.twitter.com/articles/14019-faqs-about-following#> viewed 13 August 2013.

<sup>16</sup> Chris McLeod and James Neil, 'Transferring Social Media Accounts: Legal and Practical Problems' (2013) 16(3) *INTLB* 63, 64.

<sup>17</sup> *Ibid.*

<sup>18</sup> The Reynolds National Center for Courts and Media et al, *FYI, LOL or OMG? Technology's Impact on the Courts and the Media* (2009) at 12, [http://www.courtsandmedia.org/pdf/rnccm\\_fyi\\_book.pdf](http://www.courtsandmedia.org/pdf/rnccm_fyi_book.pdf) viewed 5 August 2013.

<sup>19</sup> In stating that I emailed a questionnaire to 23 different staff at different courts, I did not include the emails that I sent to staff who worked at the same courts as the 23. For example, if I sent an email to a staff member at Court X, but the staff member told me to email another staff member at Court X, then I would have included only one of the two staff members in the total count of staff.

<sup>20</sup> More details about the author's thinking behind the questionnaire will be available in the author's PhD thesis.

reasons. This article also limits its discussion of social media to three main social media: Twitter, Facebook and YouTube.

## II PUBLIC CONFIDENCE IN THE COURTS AND THE JUDICIARY

When the public has confidence in the courts and the judiciary, then they are more likely to follow judicial officers' decisions.<sup>21</sup> When court officials educate and engage the public, then it is more probable that the public will have confidence in the courts and the judiciary.<sup>22</sup> The Oxford dictionary defines the word 'public' as 'ordinary people in general, the community'.<sup>23</sup>

Unfortunately, the public is often misinformed or uninformed about the work of court staff and the judiciary.<sup>24</sup> Many people believe that judges are 'detached from the community', particularly when they believe that judicial officers are lenient whilst sentencing offenders.<sup>25</sup> The public often has negative ideas regarding the courts. They think that court processes are expensive, and unfair to different races.<sup>26</sup> They also believe that judicial officers take too long to make decisions.<sup>27</sup>

Some members of the public complain that court staff do not sufficiently inform the public about their work.<sup>28</sup> Some people only read the headline and the first two paragraphs of a story about the court in the media and then criticise the judiciary.<sup>29</sup> Word of mouth also affects

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<sup>21</sup> Patricia Seguin, Superior Court of Arizona in Maricopa County, *The Use of Social Media in Superior Court of Arizona in Maricopa County* (2011) at 9, <http://www.ncsc.org/~media/Files/PDF/Education%20and%20Careers/CEDP%20Papers/2011/Social%20Media.ashx> viewed 4 August 2013.

<sup>22</sup> Patricia Seguin, Superior Court of Arizona in Maricopa County, *The Use of Social Media in Superior Court of Arizona in Maricopa County* (2011) at 9, <http://www.ncsc.org/~media/Files/PDF/Education%20and%20Careers/CEDP%20Papers/2011/Social%20Media.ashx> viewed 4 August 2013.

<sup>23</sup> Oxford Dictionaries, *Definition of Public in English* (2013) <http://oxforddictionaries.com/definition/english/public> viewed 24 August 2013.

<sup>24</sup> Patricia Seguin, Superior Court of Arizona in Maricopa County, *The Use of Social Media in Superior Court of Arizona in Maricopa County* (2011) at 6, <http://www.ncsc.org/~media/Files/PDF/Education%20and%20Careers/CEDP%20Papers/2011/Social%20Media.ashx> viewed 24 August 2013.

<sup>25</sup> The Hon Paul de Jersey AC, Chief Justice of Queensland 'The Courts and the Media in the Digital Era' (Speech delivered at Bond University, Queensland, 12 February 2011) 1.

<sup>26</sup> Patricia Seguin, Superior Court of Arizona in Maricopa County, *The Use of Social Media in Superior Court of Arizona in Maricopa County* (2011) at 8, <http://www.ncsc.org/~media/Files/PDF/Education%20and%20Careers/CEDP%20Papers/2011/Social%20Media.ashx> viewed 24 August 2013.

<sup>27</sup> Patricia Seguin, Superior Court of Arizona in Maricopa County, *The Use of Social Media in Superior Court of Arizona in Maricopa County* (2011) at 8, <http://www.ncsc.org/~media/Files/PDF/Education%20and%20Careers/CEDP%20Papers/2011/Social%20Media.ashx> viewed 24 August 2013.

<sup>28</sup> The Hon Paul de Jersey AC, Chief Justice of Queensland 'The Courts and the Media in the Digital Era' (Speech delivered at Bond University, Queensland, 12 February 2011) 2.

<sup>29</sup> Kellee Nolan, 'Victorian Courts Look at Tweeting Rulings', *The Sydney Morning Herald* (online), 31 August 2011, [2] <http://news.smh.com.au/breaking-news-national/victorian-courts-look-at-tweeting-rulings-20110831-1jloc.html>.

people's perceptions of the courts and the judiciary. People who have experiences with the court tell others about it. This information can spread and affect the public's opinion.<sup>30</sup>

As a result, many Australian courts have information officers who provide information to the media and the public.<sup>31</sup> The information officers also try to increase the public's confidence in the courts and the judiciary by publishing judges' reasons for decisions, holding open days and providing educational information.<sup>32</sup> Judges also speak to community organisations and on the radio.<sup>33</sup>

If court staff use social media, they can increase the public's confidence in the courts and the judiciary, in addition to receiving many other benefits.

### III BENEFITS RESULTING FROM COURT STAFF USING SOCIAL MEDIA

The Chief Justice of the Supreme Court of Victoria, Marilyn Warren, states that '[t]he courts are getting to a stage where they have had enough of the inappropriate criticism, the skewing of information in the media, and [they] really need to try and seize the day [themselves] and give some information to the community'.<sup>34</sup>

The Chief Justice's view is indicative of one approach to how court officials can use social media: the Output Only Approach. This view involves court officials using social media to inform the public. The public cannot post or comment on the courts' social media pages. The alternative view is the Input Output Approach. The Input Output Approach consists of permitting the public to post comments or replies to information that court staff post (e.g. a member of the public tweets a comment on a court's Twitter page just below a judgment that court staff tweeted).

#### *A Benefits from the Output Only Approach*

Applying the Output Only Approach, a benefit to courts from using social media is that court officials can communicate directly with people whom they would not normally communicate with,<sup>35</sup> such as people who use social media but not traditional media, like newspapers and television.<sup>36</sup> Social media users may gain new knowledge about the courts, which could help increase their confidence in them.

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<sup>30</sup> The Hon Paul de Jersey AC, Chief Justice of Queensland 'The Courts and the Media in the Digital Era' (Speech delivered at Bond University, Queensland, 12 February 2011) 6 - 7.

<sup>31</sup> The Hon Paul de Jersey AC, Chief Justice of Queensland 'The Courts and the Media in the Digital Era' (Speech delivered at Bond University, Queensland, 12 February 2011) 2.

<sup>32</sup> The Hon Paul de Jersey AC, Chief Justice of Queensland 'The Courts and the Media in the Digital Era' (Speech delivered at Bond University, Queensland, 12 February 2011) 2.

<sup>33</sup> The Hon Paul de Jersey AC, Chief Justice of Queensland 'The Courts and the Media in the Digital Era' (Speech delivered at Bond University, Queensland, 12 February 2011) 2.

<sup>34</sup> Kellee Nolan, 'Victorian Courts Look at Tweeting Rulings', *The Sydney Morning Herald* (online), 31 August 2011, [3] <<http://news.smh.com.au/breaking-news-national/victorian-courts-look-at-tweeting-rulings-20110831-1jloc.html>>.

<sup>35</sup> Laura Click, National Center for State Courts, *From Sketch Pads to Smart Phones: How Social Media Has Changed Coverage of the Judiciary* (2011) at 48, <http://ncsc.contentdm.oclc.org/cdm/ref/collection/ctmedia/id/30> viewed 13 August 2013.

<sup>36</sup> Salaz, Karen , Hodson, Thomas and Davey, Chris J., *New Media and the Courts: The Current Status and a Look at the Future* (August 26, 2010). Available at SSRN: <http://ssrn.com/abstract=1666332> at 40.

Court staff can provide information to the public when they choose to through using social media, as opposed to waiting for journalists to write a story or for a webmaster to update the court's website.<sup>37</sup> Court staff can also provide information to the public immediately by using social media. When court staff give information to the public immediately, fewer members of the public call the court<sup>38</sup> and fewer journalists attend court.<sup>39</sup> This conserves the court's resources. Court staff can also put information into a proper context when they post information on social media, which the media may not do.<sup>40</sup> Court staff may be better able to put information into context by using Facebook as opposed to Twitter, because of Twitter's 140 character limit on tweets.

It has been found that when members of the public have the same information about a trial as a judge, the majority of the public agree with the sentence that the judge gave the offender.<sup>41</sup> If information that explains an offender's sentence or a link to a judgment that explains the sentence is posted on a court's social media page, then the public may find the sentence that the judge gave the offender more acceptable.

When court officials upload videos to YouTube, the videos are saved externally, so the videos do not require space on courts' computer servers.<sup>42</sup> This helps to conserve the court's resources. Admittedly, the use of YouTube is rare by Australian court staff at this point in time [see below in section VI].

### *B Input Output Approach*

Court staff can benefit from an Input Output Approach if they use social media. For example, the public can quickly ask court officials questions and receive an immediate response. This occurred on 31 July 2013, when a member of the public, Neil Conway, wrote '@SCVSupremeCourt I don't seem to be able to open your links on my iPad, is there an app other than a windows app for this' on the Supreme Court of Victoria's Twitter page. On the same day Court staff responded on the Court's Twitter page with '@1958noelconway Sorry, works best with Explorer, dictated by mothership.' The Court's staff's response to Mr Conway may have increased Mr Conway's confidence in the judiciary. Further, the people

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<sup>37</sup> Patricia Seguin, Superior Court of Arizona in Maricopa County, *The Use of Social Media in Superior Court of Arizona in Maricopa County* (2011) at 14, <http://www.ncsc.org/~media/Files/PDF/Education%20and%20Careers/CEDP%20Papers/2011/Social%20Media.ashx> viewed 24 August 2013.

<sup>38</sup> Patricia Seguin, Superior Court of Arizona in Maricopa County, *The Use of Social Media in Superior Court of Arizona in Maricopa County* (2011) at 14, <http://www.ncsc.org/~media/Files/PDF/Education%20and%20Careers/CEDP%20Papers/2011/Social%20Media.ashx> viewed 24 August 2013.

<sup>39</sup> Patricia Seguin, Superior Court of Arizona in Maricopa County, *The Use of Social Media in Superior Court of Arizona in Maricopa County* (2011) at 14 - 15, <http://www.ncsc.org/~media/Files/PDF/Education%20and%20Careers/CEDP%20Papers/2011/Social%20Media.ashx> viewed 24 August 2013.

<sup>40</sup> The Reynolds National Center for Courts and Media et al, *FYI, LOL or OMG? Technology's Impact on the Courts and the Media* (2009) at 6, [http://www.courtsandmedia.org/pdf/rncm\\_fyi\\_book.pdf](http://www.courtsandmedia.org/pdf/rncm_fyi_book.pdf) viewed 24 August 2013.

<sup>41</sup> Kellee Nolan, 'Victorian Courts Look at Tweeting Rulings', *The Sydney Morning Herald* (online), 31 August 2011 [3] <<http://news.smh.com.au/breaking-news-national/victorian-courts-look-at-tweeting-rulings-20110831-1jloc.html>>.

<sup>42</sup> Salaz, Karen, Hodson, Thomas and Davey, Chris J., *New Media and the Courts: The Current Status and a Look at the Future* (August 26, 2010). Available at SSRN: <http://ssrn.com/abstract=1666332> at 57.

who read the response may have been impressed by the Court's staff's response and their confidence in the judiciary may have increased.

If the public comment on courts' social media pages, then they may feel that court officials listen to them and it may increase their confidence in the courts.<sup>43</sup> The public may also feel that the courts are more transparent. Users can appear anonymous on social media or change their given names, so they may be more likely to provide court staff with honest feedback.<sup>44</sup> The anonymity that social media can provide may encourage some people to write negative comments. Nevertheless, the possibility of the public providing useful feedback to court staff outweighs the possibility that the public may write negative comments. Staff of the Family Court of Australia did not find that the public wrote negative comments on their Twitter account, despite their initial worries that this might occur.<sup>45</sup>

It may be possible to design a social media application to help court staff censor comments that are made on the courts' social media pages. Court staff can also become aware of negative views that the public may have about aspects of the courts (e.g. if they think that a sentence was not long enough for a particular offender) and if court staff choose to, they can address the criticism (although this would be more likely to happen in the United States than in Australia). Other online entities, such as newspapers, have allowed users to post comments underneath online articles for over a decade. It is possible that readers will write offensive comments about the articles. Staff who use social media can learn from newspaper staff about that issue.

Court officials can use Twitter to follow journalists<sup>46</sup> and check whether journalists are accurately commenting on court proceedings. If not, then court staff can post a comment to correct the mistake. Whilst it may take court employees time to follow and check journalists' Twitter accounts, it may be worth it to ensure that the correct information is provided to the public. If information is reported accurately to the public, it may increase the public's confidence in the courts. There could be hundreds, or even thousands, of journalists who report on the courts. The number of journalists is likely high because it would include citizen journalists. Court staff would not have the time to follow and check all of these journalists' Twitter accounts. The author recommends that court staff choose a few dozen reputable Australian journalists who tweet and check those accounts. There may be only a few reputable journalists who cover courts in jurisdictions with small populations. This could result in less work for the court staff who check those social media accounts. If court staff follow journalists, they should also be careful about which journalists they choose to follow. Court staff would want to ensure that they follow journalists who do not have views that are incompatible with the courts (e.g. journalists who display a racist bias).

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<sup>43</sup> Travis Olson and Christine O'Clock, National Center for State Courts, *The Role of Social-Networking Tools in Judicial Systems* (2010) at 165, <http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctmedia/id/21> viewed 24 August 2013.

<sup>44</sup> Utah State Courts, Social Media Subcommittee of the Judicial Outreach Committee, *Recommendations for the Court's Use of Social Media* (February 2012) at 9, <http://www.azcourts.gov/Portals/74/WIRE/06072012/6FinalReportUtah.pdf> viewed 24 August 2013.

<sup>45</sup> Questionnaire answers by email from the Media & Public Affairs Manager, Family Court of Australia to Marilyn Krawitz, 12 August 2013.

<sup>46</sup> Questionnaire answers by email from Strategic Communication Manager, the Supreme Court of Victoria to Marilyn Krawitz, 21 June 2013.

Court officials can also use social media to easily and quickly communicate with staff from other courts who use social media.<sup>47</sup> Court staff may obtain ideas about new ways to use social media and new ideas for events to organise or information to provide to the public. Court staff can also use social media to receive updates about the work of legal academics who use social media. Court officials can then use this information or provide it to other court staff. For example, if a court employee reads a tweet on an academic's Twitter page that states that the academic's article about judges using social media was published, the court employee can email the judges' associates at the court where he or she works so that the judges' associates can inform the judiciary.

The public can quickly and easily inform court staff about mistakes that court officials make if court officials use an Input Output Approach. This could result in several thousands of people acting as quality control for court officials, which would be useful. For example, on 31 July 2013, a Twitter account called PracLawEmployment wrote on the JudiciaryUK Twitter account that a 'judgment on judiciary.gov.uk only contains odd-numbered pages.' The tweeter requested assistance with this. That same day, the JudiciaryUK Twitter account tweeted '[t]hanks, this has now been corrected <http://bit.ly/13ZqSD0>'.

Whether court staff take an Output Only Approach or an Input Output Approach to social media affects whether they follow other entities' Twitter accounts. Court officials address this situation differently. The Nova Scotia Courts' and the Family Court of Australia's Twitter accounts don't follow anyone, whilst the three Twitter accounts of the Supreme Court, County Court and Magistrates Court in Victoria do. Australian court staff would benefit most from an Input Output Approach because they could enjoy the most advantages from using social media. It also takes full advantage of one of the most unique aspects of social media: its interactivity. If court staff use an Output Only approach, then the court's social media accounts may resemble websites more than social media accounts.

The Facebook page of the Superior Court of Arizona in Maricopa County does not allow users to comment on the Court's posts because this 'could lead to unwarranted criticism and the need to respond and comment in a timely manner.'<sup>48</sup> The Supreme Court of the United Kingdom's Twitter account takes an Input Output approach, and the social media policy on its website states that its staff cannot guarantee a response to all public comments to its Twitter accounts.<sup>49</sup> If Australian court staff use an Input Output Approach, then they can use a disclaimer like the United Kingdom Supreme Court's. This can assist with managing the expectations of the public who post on the account. If Australian court officials want to apply an Input Output Approach to social media accounts, they can also use a disclaimer that states

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<sup>47</sup> Questionnaire answers by email from the Manager, Magistrates' Support Services to Marilyn Krawitz, 26 July 2013.

<sup>48</sup> Patricia Seguin, Superior Court of Arizona in Maricopa County, *The Use of Social Media in Superior Court of Arizona in Maricopa County* (2011) at 38, <http://www.ncsc.org/~media/Files/PDF/Education%20and%20Careers/CEDP%20Papers/2011/Social%20Media.ashx> viewed 24 August 2013.

<sup>49</sup> The Supreme Court of the United Kingdom, *Twitter Policy for the UK Supreme Court* at [3] (February 2012) <http://www.supremecourt.gov.uk/twitter-policy.html> viewed 24 August 2013.



that third parties' views do not reflect the court staff's or the judiciary's views.<sup>50</sup> This can assist if a member of the public writes something rude or derogatory on the court staff's social media accounts.

### *C Output Only or Input Output Benefits*

Court staff and the judiciary can receive additional benefits from using social media, irrespective of whether court staff take an Output Only or Input Output approach. It is possible for people who don't work for a court to create unofficial social media pages for the court.<sup>51</sup> These unofficial social media pages may state the court's name and appear as if they represent the court, even though they don't. The public may be misled by unofficial social media pages.<sup>52</sup> To prevent the public from being misled by unofficial social media pages, court staff can create official social media accounts for the court where they work.<sup>53</sup> The official social media pages can contain the court's logo and URL to show that the pages are official, like the Supreme Court of Victoria's Twitter page. The official social media pages can also specifically state that they are the court's 'official' social media pages, like the Family Court of Australia's Twitter page.

Court officials can use social media to assist self-represented litigants.<sup>54</sup> They can post videos that answer questions that self-represented litigants often ask.<sup>55</sup> Court staff can personally answer questions that self-represented litigants post on Twitter or Facebook. Admittedly, this may take a lot of court officials' time. It could be worth it, because self-represented litigants are better prepared at court.<sup>56</sup> If court officials use social media to assist self-represented litigants, then potential self-represented litigants may feel less overwhelmed by the court system. They may decide to pursue their matter in the courts, as opposed to simply avoiding the process altogether because it's too difficult. Court officials can seek advice from the judiciary and judges' associates about the most important information to provide to self-represented litigants.

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<sup>50</sup> See, for example, the website of the Family Court of Australia, which states "The Court does not endorse, and is not accountable for any views expressed by third parties using that site." Family Court of Australia, *Official Use of Twitter by the Family Court* (undated) at [17],

[http://www.familycourt.gov.au/wps/wcm/connect/FCOA/home/about/Social\\_media/](http://www.familycourt.gov.au/wps/wcm/connect/FCOA/home/about/Social_media/) viewed 24 August 2013.

<sup>51</sup> Katherine Bladow and Joyce Raby, National Center for State Courts, *Using Social Media to Support Self-Represented Litigants and Increase Access to Justice* (2011) at 37,

<http://ncsc.contentdm.oclc.org/cdm/ref/collection/ctmedia/id/29> viewed 24 August 2013.

<sup>52</sup> Katherine Bladow and Joyce Raby, National Center for State Courts, *Using Social Media to Support Self-Represented Litigants and Increase Access to Justice* (2011) at 37,

<http://ncsc.contentdm.oclc.org/cdm/ref/collection/ctmedia/id/29> viewed 24 August 2013.

<sup>53</sup> Katherine Bladow and Joyce Raby, National Center for State Courts, *Using Social Media to Support Self-Represented Litigants and Increase Access to Justice* (2011) at 37,

<http://ncsc.contentdm.oclc.org/cdm/ref/collection/ctmedia/id/29> viewed 24 August 2013.

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<http://ncsc.contentdm.oclc.org/cdm/ref/collection/ctmedia/id/29> viewed 24 August 2013.

<sup>56</sup> Katherine Bladow and Joyce Raby, National Center for State Courts, *Using Social Media to Support Self-Represented Litigants and Increase Access to Justice* (2011) at 36,

<http://ncsc.contentdm.oclc.org/cdm/ref/collection/ctmedia/id/29> viewed 24 August 2013.

Social media is usually free to use,<sup>57</sup> so it should not directly require any of the courts' financial resources. Section VIB of this article contains a discussion about how social media may affect courts' resources.

Some of the court-run social media pages are popular. The public has viewed the Indiana Supreme Court's YouTube videos over 137,000 times.<sup>58</sup> The Magistrates' Court of Victoria's Twitter page has 1,145 followers and the Supreme Court of Victoria's Twitter page has 2,074 followers.<sup>59</sup> The high number of people who currently view or follow courts' social media pages likely indicates that the public is becoming more knowledgeable about the courts. This could potentially increase their confidence in them.

There is some research about responses to court staff using social media that is encouraging. Staff at the Family Court of Australia received 'positive' comments about their social media use.<sup>60</sup> Staff of the Superior Court of Arizona in Maricopa County emailed a survey to the media and posted a survey on the Court's Twitter account about its Twitter page.<sup>61</sup> There were 24 responses to the survey.<sup>62</sup> The people who responded to the survey stated that they 'frequently' checked the Court's Twitter page.<sup>63</sup> Twenty-seven percent of the people who answered the survey 'strongly agreed' and 27 percent of the people who answered the survey 'agreed' that the Court staff's tweets 'help[ed] [them] to generate news stories.'<sup>64</sup> Seventeen percent of the people who answered the survey 'strongly agreed' and 25% 'agreed' that the Court's Twitter page helped to 'guide [them] to more in-depth information on Court programs'.<sup>65</sup> Admittedly, due to the study's small sample size, it may not be very reliable.

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<sup>57</sup> Utah State Courts, Social Media Subcommittee of the Judicial Outreach Committee, *Recommendations for the Court's Use of Social Media* (February 2012) at 9, <http://www.azcourts.gov/Portals/74/WIRE/06072012/6FinalReportUtah.pdf> viewed 24 August 2013.

<sup>58</sup> Katherine Bladow and Joyce Raby, National Center for State Courts, *Using Social Media to Support Self-Represented Litigants and Increase Access to Justice* (2011) at 36, <http://ncsc.contentdm.oclc.org/cdm/ref/collection/ctmedia/id/29> viewed 24 August 2013.

<sup>59</sup> The number of followers was based on the author viewing the Twitter pages on 1 August 2013.

<sup>60</sup> Questionnaire answers by email from the Media & Public Affairs Manager, Family Court of Australia to Marilyn Krawitz, 12 August 2013.

<sup>61</sup> Patricia Seguin, Superior Court of Arizona in Maricopa County, *The Use of Social Media in Superior Court of Arizona in Maricopa County* (2011) <http://www.ncsc.org/~media/Files/PDF/Education%20and%20Careers/CEDP%20Papers/2011/Social%20Media.ashx> viewed 24 August 2013.

<sup>62</sup> Patricia Seguin, Superior Court of Arizona in Maricopa County, *The Use of Social Media in Superior Court of Arizona in Maricopa County* (2011) <http://www.ncsc.org/~media/Files/PDF/Education%20and%20Careers/CEDP%20Papers/2011/Social%20Media.ashx> viewed 24 August 2013.

<sup>63</sup> Patricia Seguin, Superior Court of Arizona in Maricopa County, *The Use of Social Media in Superior Court of Arizona in Maricopa County* (2011) <http://www.ncsc.org/~media/Files/PDF/Education%20and%20Careers/CEDP%20Papers/2011/Social%20Media.ashx> viewed 24 August 2013.

<sup>64</sup> Patricia Seguin, Superior Court of Arizona in Maricopa County, *The Use of Social Media in Superior Court of Arizona in Maricopa County* (2011) <http://www.ncsc.org/~media/Files/PDF/Education%20and%20Careers/CEDP%20Papers/2011/Social%20Media.ashx> viewed 24 August 2013.

<sup>65</sup> Patricia Seguin, Superior Court of Arizona in Maricopa County, *The Use of Social Media in Superior Court of Arizona in Maricopa County* (2011) at 68, <http://www.ncsc.org/~media/Files/PDF/Education%20and%20Careers/CEDP%20Papers/2011/Social%20Media.ashx> viewed 24 August 2013.

Additionally, because many of the people who answered the survey worked in the media, the results may not be applicable to the general public.

A 2012 survey of 623 court employees by the Conference of Court Public Information Officers in the United States found that 15.6 percent of people surveyed ‘strongly agree[d]’ and 23.9 percent ‘agree[d]’ that ‘[n]ew media, such as Facebook, Twitter and YouTube, are necessary court tools for public outreach’.<sup>66</sup> It is significant that court employees are in favour of using social media, because they should know the best ways to engage the public. They should also be aware of how they can potentially improve the public’s confidence in the courts.

Due to social media being relatively new, it is understandable that few studies exist about their benefits to the courts. To convince Australian court officials that they should use social media, researchers should undertake more studies about their benefits. For example, researchers can draft and post a questionnaire on the Supreme Court of Victoria’s Twitter page, because its Twitter page has the most followers out of Australian courts’ Twitter pages (as at the date of this article). The questionnaire can ask whether the people surveyed feel that they better understand the Court because they used the Court’s Twitter page. It can also ask the people surveyed whether they have more confidence in the Court or they know more about the Court as a result of using the Court’s Twitter page. The survey can also ask the people surveyed whether they use the Court’s Twitter page to keep informed of breaking news.

To learn about the benefits that can result from court officials using social media, it may be possible for court staff to examine existing research about the benefits of using social media in other contexts that are similar to the courts. For example, they could consider the success of Australian politicians and Australian government ministries with their social media use. Whilst Australian court officials would be expected to be more reserved than their government counterparts, the comparative information may still be of value. Also, the staff of the Family Court of Australia implemented a pilot project wherein they used social media for six months.<sup>67</sup> Afterward court officials evaluated the project and decided to continue to use it.<sup>68</sup> It is possible that the pilot project could contain useful information to support the benefits that court staff can experience if they use social media. This information would be more applicable to Australian court officials than information from courts in the United Kingdom or other foreign jurisdictions.

The author’s survey revealed that court staff who have used social media to date have experienced benefits from using it. For example, the Strategic Communication Manager of the Supreme Court of Victoria found that the public was more aware of the Court’s activities

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<sup>66</sup> Conference of Court Public Information Officers, *2012 CPIO New Media Survey* (2012) at 30, <http://ccpio.org/wp-content/uploads/2012/08/CCOIO-2012-New-Media-ReportFINAL.pdf> viewed 24 August 2013.

<sup>67</sup> Family Court of Australia, ‘Family Court of Australia Twitter Account’ (2013) (12) *Family Court Bulletin* [http://www.familycourt.gov.au/wps/wcm/connect/FCOA/home/about/publications/Bulletin/FCOA\\_fcb\\_Jul\\_13](http://www.familycourt.gov.au/wps/wcm/connect/FCOA/home/about/publications/Bulletin/FCOA_fcb_Jul_13) viewed 24 August 2013.

<sup>68</sup> Family Court of Australia, ‘Family Court of Australia Twitter Account’ (2013) (12) *Family Court Bulletin* [http://www.familycourt.gov.au/wps/wcm/connect/FCOA/home/about/publications/Bulletin/FCOA\\_fcb\\_Jul\\_13](http://www.familycourt.gov.au/wps/wcm/connect/FCOA/home/about/publications/Bulletin/FCOA_fcb_Jul_13) viewed 24 August 2013.

as a result of her social media use.<sup>69</sup> The Director of Communications of the Nova Scotia Judiciary found that more people viewed the Nova Scotia Courts' website after he created Twitter pages for the Courts.<sup>70</sup> [Neither the Strategic Communication Manager of the Supreme Court of Victoria, nor the Director of Communications for the Nova Scotia Judiciary provided any statistical data to support their comments. Statistical data could provide stronger support for their comments.]

As time passes, the number of people who use social media will likely increase. Consequently, more people may expect that court officials will use social media. The public may one day view social media accounts as they currently view websites: it's expected that every court has one. If court officials do not use social media, then the public's confidence in the courts may be lowered. It is inevitable that in the future new technology will be created that will allow for an improved version of social media. It may help court officials to use new technology if they are already competent at using current technology.

Given the significant number of benefits that using social media can offer, more Australian court employees should consider using it. The next section of this article will discuss the efforts (or lack thereof) that court staff in four jurisdictions have taken toward using social media.

## VI WHAT COURT STAFF IN AUSTRALIA, CANADA, THE UNITED KINGDOM AND AMERICA ARE DOING

Court staff in Australia, Canada, the United Kingdom and the United States have embraced social media to varying degrees. This section will explore the efforts (or lack thereof) that the court staff have taken.

### *A Court Staff Currently Using Social Media*

Few courts in Australia have social media accounts. The Magistrates Court of Victoria has a Twitter account,<sup>71</sup> the County Court of Victoria has a Twitter account,<sup>72</sup> the Supreme Court of Victoria has a Twitter account, a YouTube account<sup>73</sup> and a Facebook account<sup>74</sup> and the Family Court of Australia has a Twitter account.<sup>75</sup> It is interesting that three courts in Victoria have social media accounts, but no other State Court in Australia has a social medium account to date. Victorian court officials are already ahead of other State court officials in

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<sup>69</sup> Questionnaire answers by email from Strategic Communication Manager, the Supreme Court of Victoria to Marilyn Krawitz, 21 June 2013.

<sup>70</sup> Questionnaire answers by email from the Director of Communications, the Nova Scotia Judiciary to Marilyn Krawitz, 30 May 2013.

<sup>71</sup> Questionnaire answers by email from the Manager, Magistrates' Support Services to Marilyn Krawitz, 26 July 2013; see Magistrates Court of Victoria Twitter account, <https://twitter.com/magcourtvic> viewed 24 August 2013.

<sup>72</sup> See <https://twitter.com/CCVMedia>.

<sup>73</sup> Questionnaire answers by email from Strategic Communication Manager, the Supreme Court of Victoria, 21 June 2013; <https://twitter.com/SCVSupremeCourt>; <http://www.youtube.com/user/SupremeCourtVictoria?feature=guide>.

<sup>74</sup> 'Justice system opens up to new media', AAP (online), 22 October 2013, [1] <http://www.sbs.com.au/news/article/2013/10/21/justice-system-opens-new-media>; *Supreme Court of Victoria's Facebook page* (2013) <https://www.facebook.com/SupremeCourtVic> viewed 5 November 2013.

<sup>75</sup> See <https://twitter.com/FamilyCourtAU>.

other areas of social media use.<sup>76</sup> The Victorian Supreme Court YouTube account has two videos: one about directions to the jury and the other about an inaugural law library event in Victoria. It is interesting that the Victorian Supreme Court has videos on YouTube, as opposed to the lower courts in Victoria. In particular, thousands of self-represented litigants could probably benefit if the Magistrates Court of Victoria had a YouTube account that posted useful videos. The Supreme Court of Victoria is the only Australian Court to have its own Facebook account, as at the date of this article. It will be interesting to see whether the staff at other Australian Courts decide to create a Facebook account also.

Victoria could have a single Twitter account or Facebook account for all the courts in its jurisdiction, similar to the province of Saskatchewan, in Canada. Nevertheless, it is probably easy for the public to find the information that they seek by being able to visit the social media account of a specific court, as opposed to three courts combined.

As of April 2013, court staff in at least 24 States in the United States use at least one type of social medium.<sup>77</sup> Nine of these States have court staff who use Facebook, 22 have court staff who use Twitter and nine have court staff who use YouTube.<sup>78</sup> The United States Supreme Court's staff use Twitter.<sup>79</sup> It is not surprising how many court staff in the United States use social media, because judges are elected there. Social media would be helpful to judicial candidates to influence the public to vote for them. Since the use of social media amongst American Courts is so widespread, it could be a good place for additional research to take place about the effects of court staff using social media.

In Canada, the Saskatchewan Law Courts' staff currently use Twitter and YouTube.<sup>80</sup> Nova Scotian Courts were the first in the country to use social media.<sup>81</sup> The Courts have five Twitter accounts.<sup>82</sup> The Nova Scotia Twitter accounts are: 'news of the courts', 'notices to the legal profession', 'amendments to the civil procedure rules', 'changes to the on-line dockets', 'decisions of the court of appeal', 'decisions of the supreme court', 'decisions of the provincial court' and 'decisions of the small claims court'.<sup>83</sup> It may take a lot of time for court staff to manage five different Twitter accounts. However, the five different Twitter accounts likely make it easier for people who visit the Twitter accounts to find the

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<sup>76</sup> For example, see Marilyn Krawitz, 'Stop the Presses, but not the Tweets! Why Australian Judicial Officials Should Permit Journalists to Use Social Media in the Courtroom' (2013) 15(1) *Flinders Law Journal* 1.

<sup>77</sup> National Center for State Courts, Knowledge and Information Services Division, *AOCs and High Courts Using New Media* (24 April 2013) <http://www.ncsc.org/Topics/Media/Social-Media-and-the-Courts/~media/Files/PDF/Information%20and%20Resources/State%20List%20April%2024%202013.ashx> viewed 24 August 2013.

<sup>78</sup> National Center for State Courts, Knowledge and Information Services Division, *AOCs and High Courts Using New Media* (24 April 2013) <http://www.ncsc.org/Topics/Media/Social-Media-and-the-Courts/~media/Files/PDF/Information%20and%20Resources/State%20List%20April%2024%202013.ashx> viewed 24 August 2013.

<sup>79</sup> Fitzgerald, Foong and Tucker, above n 9, 6.

<sup>80</sup> Questionnaire answers by email from the Courts Communications Officer, Saskatchewan Law Courts to Marilyn Krawitz, 14 June 2013.

<sup>81</sup> The Courts of Nova Scotia, 'Courts of Nova Scotia Enter the "Twitterverse" (Media Release, undated) at [2], [http://www.courts.ns.ca/news/courts\\_on\\_twitter.htm](http://www.courts.ns.ca/news/courts_on_twitter.htm), viewed 24 August 2013.

<sup>82</sup> Questionnaire answers by email from the Director of Communications, the Nova Scotia Judiciary to Marilyn Krawitz, 30 May 2013.

<sup>83</sup> The Courts of Nova Scotia, 'Courts of Nova Scotia Enter the "Twitterverse" (Media Release, undated) at [4] - [6], [http://www.courts.ns.ca/news/courts\\_on\\_twitter.htm](http://www.courts.ns.ca/news/courts_on_twitter.htm), viewed 24 August 2013.

information that they seek. In particular, the Nova Scotian court officials' method of organising their Twitter accounts probably makes it easy for three common stakeholders who visit the Twitter accounts to find information. These stakeholders are journalists, lawyers and the general public. So, for example, lawyers only need to check the 'notices to the legal profession' Twitter account to find notices for them, as opposed to scrolling down a single Twitter account to find the notices amongst judgments, etc. In the United Kingdom, staff of the Supreme Court use Twitter.<sup>84</sup>

## B Courts Not Using Social Media

There are two main reasons why court officials who answered the survey do not use social media: a lack of resources and uncertainty of the benefits from using it. However, some court officials are considering using social media in the future.

### 1 Lack of Resources

The Social Media Subcommittee of the Judicial Outreach Committee of the Utah State Courts states that

[e]ffective use of social media requires resources and a strong commitment to increasing judicial outreach through technology. In the age of austere budgets, it is a challenge to fund all but the essentials of administering justice. It is the subcommittee's view, however, that adapting to the new mobile, social media-driven world is essential to maintaining public trust and confidence in the judiciary.<sup>85</sup>

Five court staff out of the fifteen who answered the survey (33%) do not use social media because of a lack of resources. Court officials at the Children's Court of Victoria,<sup>86</sup> South Australian Courts<sup>87</sup> and the Supreme Court of Western Australia stated in their questionnaires that they do not use social media due to a lack of resources.<sup>88</sup> They did not state the type of specific resources that they lack. The questionnaire answered by the Manager, Media and Public Liaison for the Courts at the Supreme Court of Western Australia stated that the Court does not have social media accounts because of 'the practical issues of constant maintenance of the sites'.<sup>89</sup> Staff at the Court of Queen's Bench in Alberta do not use social media because of a lack of staff to administer it.<sup>90</sup> Given that both the Supreme Court of Western Australia and the Court of Queen's Bench in Alberta have websites, it is possible that it may not

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<sup>84</sup> Supreme Court Twitter account <https://twitter.com/UKSupremeCourt> viewed 24 August 2013.

<sup>85</sup> Utah State Courts, Social Media Subcommittee of the Judicial Outreach Committee, *Recommendations for the Court's Use of Social Media* (February 2012) at 4, <http://www.azcourts.gov/Portals/74/WIRE/06072012/6FinalReportUtah.pdf> viewed 24 August 2013.

<sup>86</sup> Questionnaire answers by email from the Media and Communications Manager at the Children's Court of Victoria to Marilyn Krawitz, 24 June 2013.

<sup>87</sup> Questionnaire answers by email from the Media and Communications Manager at the South Australian Courts Administration Authority to Marilyn Krawitz, 25 June 2013.

<sup>88</sup> I note that Alysia Blackham and George Williams state that South Australian Courts have a YouTube account in their article 'Australian Courts and Social Media' 38(3) *Alternative Law Journal*.

<sup>89</sup> Questionnaire answers by email from the Manager, Media & Public Liaison, WA Supreme Court to Marilyn Krawitz, 5 June 2013.

<sup>90</sup> Questionnaire answers by email from the Media Relations Officer, Alberta Court of Queen's Bench to Marilyn Krawitz, 9 July 2013.

require much more effort for staff to maintain a social media site. They might be able to simply cut and paste links onto Twitter.

It is interesting to consider why some court officials feel that they don't have adequate resources to create social media pages, yet others do. In particular in Canada, court staff in Nova Scotia and Saskatchewan use social media, notwithstanding that both of the provinces likely have a smaller amount of resources than bigger Canadian provinces.

Since some court staff state that they lack the resources to use social media, one should consider how many resources creating social media accounts would actually require. A survey of clerks in the American Federal Court system revealed that it took staff one or two days to create a social media site for the Court and that staff update the site daily or else once a week.<sup>91</sup> Australian court staff may find that there are other time consuming aspects of creating a social media site, such as creating a policy for the staff who use social media, obtaining approval from senior staff for the policy, and obtaining feedback from other staff for the policy. Nevertheless, court staff can seek guidance about these policies from employees at other courts that already use social media, to save time.

Court staff would want to maintain a court's social media page after they create it. This consumes staff's time. Olsen and O'Clock state that the public become more engaged with the courts when court officials post content on social media often.<sup>92</sup> Olsen and O'Clock recommend that court officials post on social media daily.<sup>93</sup> If court staff create a social media account and then rarely maintain it, it might create a poor public impression. Staff at the courts that currently have social media pages differ regarding how often they update their courts' social media pages. Staff at the following courts update their court's social media accounts quite regularly: the New Jersey Courts, who update the Courts' Facebook page daily,<sup>94</sup> and the Superior Court of Arizona in Maricopa County, who tweet several times daily.<sup>95</sup> Staff at the following courts update their Courts' social media pages less regularly: the Family Court of Australia's staff update the Court's Twitter account a minimum of three times weekly,<sup>96</sup> staff at the United Kingdom Supreme Court tweet 2 – 3 times weekly,<sup>97</sup> and

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<sup>91</sup> National Center for State Courts, *Social Media Use in the US Federal Courts* (May 2013) at [4], <http://www.ncsc.org/Newsroom/Connected/2013/May.aspx> viewed 24 August 2013.

<sup>92</sup> Travis Olson and Christine O'Clock, National Center for State Courts, *The Role of Social-Networking Tools in Judicial Systems* (2010) at 168, <http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctmedia/id/21> viewed 24 August 2013.

<sup>93</sup> Travis Olson and Christine O'Clock, National Center for State Courts, *The Role of Social-Networking Tools in Judicial Systems* (2010) at 168, <http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctmedia/id/21> viewed 24 August 2013.

<sup>94</sup> Winnie Comfort and Tammy Kendig, 'Judiciary Uses Social Media to Keep Court Users Informed' (Media Release, 18 August 2009) at [6], <http://www.judiciary.state.nj.us/pressrel/2009/pr090818a.htm>.

<sup>95</sup> Patricia Seguin, Superior Court of Arizona in Maricopa County, *The Use of Social Media in Superior Court of Arizona in Maricopa County* (2011) at 38, <http://www.ncsc.org/~media/Files/PDF/Education%20and%20Careers/CEDP%20Papers/2011/Social%20Media.ashx> viewed 24 August 2013.

<sup>96</sup> Family Court of Australia, *Official Use of Twitter by the Family Court* (undated) at [2], [http://www.familycourt.gov.au/wps/wcm/connect/FEOA/home/about/Social\\_media/](http://www.familycourt.gov.au/wps/wcm/connect/FEOA/home/about/Social_media/) viewed 24 August 2013.

<sup>97</sup> The Supreme Court of the United Kingdom, *Twitter Policy for the UK Supreme Court* (February 2012) at [2], <http://www.supremecourt.gov.uk/twitter-policy.html> viewed 24 August 2013.

staff at the Saskatchewan Law Courts normally update their Twitter account 3 – 4 times a week and rarely update their YouTube account.<sup>98</sup>

Maintaining social media accounts may not take as much time as the court staff surveyed believe. As already mentioned, court staff can copy and paste parts of the relevant information that goes onto the court's webpage and then post it onto social media. This would probably only take them seconds to do. Court employees can also update the court's social media account on a weekly, as opposed to a daily, basis. Staff who work at courts that lack resources can start with a Twitter account, because of Twitter's 140 character word limit. They can tweet once every week. Admittedly, staff would need to be extra careful that they post information correctly. If they make a mistake whilst using social media, millions of people would be able to quickly see it. Staff who work at courts with additional resources can create a Facebook page, which would allow staff to post more information and photos. Court staff who have access to even more resources can create and maintain a Twitter account, a Facebook account and a YouTube account. The YouTube account would likely take the most time out of the three accounts to maintain, because it involves obtaining or creating videos. The videos could possibly offer the most help to self-represented litigants, because self-represented litigants can benefit from both visual and audio aids, as opposed to just visual. In particular, self-represented litigants who are visual learners can receive great benefits from watching a court's YouTube videos. Court staff can possibly outsource the creation of the courts' YouTube videos. For example, they might ask an academic in drama to ask his or her students to make videos for the court as an assessment task.

Another way that court staff can save resources is to establish social media accounts that are Output Only. This could save court staff time – they would not need to monitor the public's response to their posts.

Twitter currently offers an option for users to have their tweets 'protected.'<sup>99</sup> This means that the owner of a Twitter account would need to approve each Twitter user who wants to follow him or her, and only people whom the account holder selects could see the tweets. Other users could not retweet the tweets.<sup>100</sup> This is not recommended, because one of the most important aspects of courts having social media accounts is for the public to easily access them. Also, it would be a lot of work for court officials to have to personally approve each person who wants to follow a court's Twitter page.

Staff at the British Columbia Court of Appeal don't use social media because of a lack of financial resources.<sup>101</sup> However, signing up and using social media is usually free,<sup>102</sup> so a

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<sup>98</sup> Questionnaire answers by email from the Courts Communications Officer, Saskatchewan Law Courts to Marilyn Krawitz, 14 June 2013.

<sup>99</sup> Twitter Inc., *About Public and Protected Tweets* (2013) at [2], <https://support.twitter.com/groups/51-me/topics/205-account-settings/articles/14016-about-public-and-protected-tweets#> viewed 24 August 2013.

<sup>100</sup> Twitter Inc., *About Public and Protected Tweets* (2013) at [4], <https://support.twitter.com/groups/51-me/topics/205-account-settings/articles/14016-about-public-and-protected-tweets#> viewed 24 August 2013.

<sup>101</sup> Questionnaire answers by email from the Law Officer, British Columbia Court of Appeal to Marilyn Krawitz, 4 July 2013.

<sup>102</sup> Queensland Government Business and Industry Portal, *Using Social Media to Market Your Business: The Basics* (22 August 2013) at [5], <http://www.business.qld.gov.au/business/running/marketing/online-marketing/social-media-business> viewed 24 August 2013.



lack of financial resources should not be a barrier. Indeed, court staff could save the courts' resources by using social media. For example, if court staff hold an open day at a court, staff can simply post information about the event on social media accounts. This way court staff can reach many people quickly and for free. Also, people on social media who read about the event can notify other people about the event by retweeting the event's details. This is in contrast to court staff spending money on placing advertisements in newspapers, radios, billboards and on television about the event.

Court staff can conserve resources by creating a single social media account for a few courts in a single jurisdiction. For example, in Western Australia, a single Twitter account could be created for the Magistrates Court, the District Court and the Supreme Court, as opposed to each Court having its own account. Videos can be created that are useful for all three Courts. For example, a video can be produced about general court etiquette (e.g. the video can state that the public must bow when a judicial officer enters a courtroom).

Admittedly, the author of this article has not worked for a court. She is making assumptions about the amount of bureaucracy involved for court staff to create a social media account.

## *2 Unsure of Benefits*

Court officials at the Children's Court of Victoria would 'need to be convinced that there is a good case to support any decision to start [using social media]'.<sup>103</sup> It makes sense that court staff would want more information about the benefits of using social media before they start to use it. The benefits section of this article looked at the benefits that court officials can receive as a result of using social media. As time passes and social media is modified and new social media are created, it is possible that social media will offer even more benefits to court employees than they presently do.

## *3 Not Using It, but Considering It*

Results from a survey provided to representatives from 135 American Federal Courts showed that 15.6% stated that they used social media, and 12.6% stated that they would use social media in the future.<sup>104</sup> In Australia, there are currently more jurisdictions who have staff who are considering using social media than are actually using it. Specifically, staff at the following Australian Courts are considering whether they should create social media accounts for their Court in the future: the Supreme Court of New South Wales,<sup>105</sup> the Children's Court of Victoria,<sup>106</sup> the Federal Magistrates Court<sup>107</sup> and the Northern Territory

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<sup>103</sup> Questionnaire answers by email from the Media and Communications Manager, Children's Court of Victoria to Marilyn Krawitz, 24 June 2013.

<sup>104</sup> Ashley G Stollar, National Center for State Courts, *Social Media Use in the US Federal Courts* (May 2013) at [2], <http://www.ncsc.org/Newsroom/Connected/2013/May.aspx> viewed 24 August 2013.

<sup>105</sup> Questionnaire answers by email from the Public Information Officer of the Supreme Court of New South Wales to Marilyn Krawitz, 25 June 2013.

<sup>106</sup> Questionnaire answers by email from the Media and Communications Manager at the Children's Court of Victoria to Marilyn Krawitz, 24 June 2013.

<sup>107</sup> Family Court of Australia 'Family Court Commences Twitter Pilot' [2012] (11) *Family Court Bulletin* [http://www.familycourt.gov.au/wps/wcm/connect/FCOA/home/about/publications/Bulletin/FCOA\\_fcb\\_Dec\\_12](http://www.familycourt.gov.au/wps/wcm/connect/FCOA/home/about/publications/Bulletin/FCOA_fcb_Dec_12) viewed 24 August 2013.

Supreme Court.<sup>108</sup> Staff at the Federal Court of Australia do not use social media, but are part of a working group considering this issue.<sup>109</sup> Outside of Australia, staff at the Massachusetts Court System<sup>110</sup> and the British Columbia Court of Appeal<sup>111</sup> are considering using social media.

Australian court officials may be persuaded to use social media if more information about the benefits of social media is available. Whilst it is good that court officials take a cautious approach to social media, it is to be hoped that they will not spend too long considering the issue. If they do, they could lose a significant opportunity to improve the public's confidence in the courts with little or no financial cost.

## VII WHAT INFORMATION CAN COURT STAFF POST ON SOCIAL MEDIA

The information that court officials post on social media can be categorised into urgently required information and static information which is not pressing.

An example of urgently required information is the tweeting of links to sentences and judgments on a court's website.<sup>112</sup> Staff of the Supreme Court of Victoria tweeted the following on 18 June 2013: 'Justice Geoffrey Nettle sentences Adrian Bayley to life imprisonment, non-parole period of 35 yrs. Remarks will be posted when url available'. Other examples of urgently required information are media releases and tweeting about courts closing because of bad weather<sup>113</sup> or other reasons. For example, the Family Court of Australia's Twitter account stated that the Townsville registry was closed for 'show day' on 30 June 2013.

Court employees can also use social media to inform the public about problems with a court's website. For example, the Family Court of Australia's Twitter account informed the public that the Court's website did not work on 29 July 2013.

Tennessee Court staff use Twitter to tweet documents that are posted at the last minute during public executions.<sup>114</sup> The timely information would be very helpful to journalists. When urgently required information is added to courts' social media accounts quickly, it can improve the public's confidence in the courts and make them believe that court officials are efficient. Court employees using social media to inform the public about court closures can

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<sup>108</sup> Questionnaire answers by email from the Courts Liaison & Education Officer, the Northern Territory Supreme Court to Marilyn Krawitz, 21 June 2013.

<sup>109</sup> Questionnaire answers by email from the Director Public Information, Federal Court of Australia to Marilyn Krawitz, 22 May 2013. Note that Alysia Blackham and George Williams, in their article 'Australian Courts and Social Media' 38(3) *Alternative Law Journal* state that the Federal Court of Australia and the Federal Circuit Court of Australia have Twitter pages.

<sup>110</sup> Questionnaire answers by email from the Public Information Officer, Massachusetts Supreme Judicial Court to Marilyn Krawitz, 11 July 2013.

<sup>111</sup> Questionnaire answers by email from the Law Officer, British Columbia Court of Appeal to Marilyn Krawitz, 4 July 2013.

<sup>112</sup> Questionnaire answers by email from the Strategic Communication Manager, the Supreme Court of Victoria to Marilyn Krawitz, 21 June 2013.

<sup>113</sup> Travis Olson and Christine O'Clock, National Center for State Courts, *The Role of Social-Networking Tools in Judicial Systems* (2010) at 167, <http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctmedia/id/21> viewed 24 August 2013.

<sup>114</sup> Laura Click, National Center for State Courts, *From Sketch Pads to Smart Phones: How Social Media Has Changed Coverage of the Judiciary* (2011) at 48, <http://ncsc.contentdm.oclc.org/cdm/ref/collection/ctmedia/id/30> viewed 24 August 2013.

make the public's lives easier by saving them a trip to the court. This could increase the confidence that they have in the courts.

There are many different kinds of static information that court staff can post. Staff of the County Court of Victoria post job opportunities and practice notes. For example, on 14 June 2013 County Court staff tweeted '[g]ood job available at the County Court working with the Chief Judge: <http://www.countycourt.vic.gov.au/news-and-alerts>'. On 26 June 2013, staff tweeted '[p]ractice note for operation of new County Koori Court in Melbourne now on line at [http://www.countycourt.vic.gov.au/files/PNCR%201-2012County%20Koori%20 Court.pdf ...](http://www.countycourt.vic.gov.au/files/PNCR%201-2012County%20Koori%20Court.pdf)' New Jersey Court staff post photos of events and general information about their Courts on Facebook.<sup>115</sup> The photos of Court events could make the Courts' environment seem more familiar to the public. They could become less apprehensive about the Courts should they need to enter them.

Staff of the Supreme Court of Victoria tweet information about upcoming court events. For example, on 26 July 2013, they tweeted '[d]on't forget to visit Court of Appeal tomorrow 10am - 4pm as part of @OpenHouseMelb #loveOHM.' Staff of the Magistrates Court of Victoria tweet information about new Magistrates.<sup>116</sup> For example, on 29 July 2013 Supreme Court of Victoria staff tweeted 'Supreme Court welcomes the appointment of Melanie Sloss SC and Michael James Croucher SC as judges of the court.'

Court staff can use social media to inform the public about volunteer opportunities at the court.<sup>117</sup> Staff at the Superior Court of Arizona in Maricopa County do so on Facebook.<sup>118</sup> Court staff can also inform the public about future judgments on social media. For example, staff of the Supreme Court of the United Kingdom tweeted the following on 16 May 2013: '[j]udgment next Weds 0945: Vestergaard Frandsen v Bestnet Europe re confidence and trade secrets'.

Court staff can post videos on YouTube that have information for the public that is not urgently required. For example, the New Jersey Courts' YouTube page has a video about the Courts' mediation program for mortgage foreclosures.<sup>119</sup> Court staff can also post videos that show past events that occurred at court.<sup>120</sup> Videos can be used that encourage the public to

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<sup>115</sup> Winnie Comfort and Tammy Kendig, 'Judiciary Uses Social Media to Keep Court Users Informed' (Media Release, 18 August 2009) at [6], <http://www.judiciary.state.nj.us/pressrel/2009/pr090818a.htm> viewed 24 August 2013.

<sup>116</sup> Questionnaire answers by email from the Manager, Magistrates' Support Services to Marilyn Krawitz, 26 July 2013; see Magistrates Court of Victoria's Twitter page on 20 May 2013, <https://twitter.com/magcourtvic>.

<sup>117</sup> Patricia Seguin, Superior Court of Arizona in Maricopa County, *The Use of Social Media in Superior Court of Arizona in Maricopa County* (2011) <http://www.ncsc.org/~media/Files/PDF/Education%20and%20Careers/CEDP%20Papers/2011/Social%20Media.ashx> viewed 24 August 2013.

<sup>118</sup> Patricia Seguin, Superior Court of Arizona in Maricopa County, *The Use of Social Media in Superior Court of Arizona in Maricopa County* (2011) at 22, <http://www.ncsc.org/~media/Files/PDF/Education%20and%20Careers/CEDP%20Papers/2011/Social%20Media.ashx> viewed 24 August 2013.

<sup>119</sup> Winnie Comfort and Tammy Kendig, 'Judiciary Uses Social Media to Keep Court Users Informed' (Media Release, 18 August 2009) at [7], <http://www.judiciary.state.nj.us/pressrel/2009/pr090818a.htm> viewed 24 August 2013.

<sup>120</sup> Travis Olson and Christine O'Clock, National Center for State Courts, *The Role of Social-Networking Tools in Judicial Systems* (2010) at 166, <http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctmedia/id/21> viewed 24 August 2013.

volunteer at a court. For example, staff of the Michigan Supreme Court Office of Public Information posted a video on YouTube about volunteers at the Novi District Court.<sup>121</sup>

Staff at the United Kingdom Supreme Court post YouTube videos of the Court's events on the Court's Twitter account. For example, on 22 July 2013 they tweeted 'UK Supreme Court @UKSupremeCourt 22 Jul Watch back this morning's swearing-in of Lady Hale as Deputy President of the Supreme Court.' Underneath the tweet staff posted an eight minute and 24 second video from YouTube that contained part of the ceremony.

The United Kingdom's Supreme Court's Twitter page has over 80 videos. The majority of the videos are of new judges' swearing-in ceremonies and judicial officers delivering judgments. There is one video about the Supreme Court itself that received over 6,000 views. Most of the Supreme Court's videos have been viewed over a hundred times, and some videos have received over 100 views on YouTube. It is worth considering why the Supreme Court's staff posted so many videos on its YouTube page but its Australian and Canadian counterparts have not.

The Supreme Court of Victoria's YouTube page has two videos: one about jury directions and the other about an event at the law library of Victoria.<sup>122</sup> The jury video received 311 views and the law library video received 461 views.<sup>123</sup> The Saskatchewan Courts' YouTube channel has one video about attending court (e.g. it states that one needs to be quiet whilst in the courtroom).<sup>124</sup> The video also directs viewers to the Courts' website. It has received 334 views.<sup>125</sup> The Saskatchewan video has the potential to be very helpful to members of the public who attend court for the first time. There is considerable potential for Australian court staff to post YouTube videos, particularly videos for self-represented litigants. Videos for lawyers who are just starting their careers might be useful. The videos could show new lawyers common errors that lawyers make in the courtroom or basic examples of good advocacy. Admittedly, some may say that law societies or bar associations should be responsible for providing this knowledge. Nevertheless, it could be helpful to receive this information from a judges' point of view, as imparted to court staff.

It is also possible that court staff could provide information to potential jurors and witnesses on social media. The information to jurors can inform them about what jury duty is like. It can also warn jurors that they must never discuss the trial that they attend on social media. The information for witnesses can inform them about the trial process and that they should not discuss the case outside of the jury room.

It is possible for court staff to share some of the same information or videos. The Indiana Supreme Court, New Jersey Supreme Court and the American Federal Courts share videos on

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<sup>121</sup> National Center for State Courts, 'Connected Courts' (April 2013) at [2], <http://www.ncsc.org/Newsroom/Connected/2013/Apr.aspx> viewed 24 August 2013.

<sup>122</sup> Supreme Court of Victoria, YouTube (2012) <http://www.youtube.com/user/SupremeCourtVictoria?f> viewed 24 August 2013.

<sup>123</sup> Supreme Court of Victoria, YouTube (2012) <http://www.youtube.com/user/SupremeCourtVictoria?f> viewed 24 August 2013.

<sup>124</sup> Saskatchewan Courts, YouTube, *Attending Court in Saskatchewan* (3 January 2013) <http://www.youtube.com/watch?v=I4rXEDVm6RE> viewed 24 August 2013.

<sup>125</sup> Saskatchewan Courts, YouTube, *Attending Court in Saskatchewan* (3 January 2013) <http://www.youtube.com/watch?v=I4rXEDVm6RE> viewed 24 August 2013.

YouTube for the public about how courts function.<sup>126</sup> It is more likely that court officials would be able to share static, as opposed to urgently required information.

The Saskatchewan Courts' Twitter page currently posts judgments only. Certainly this means that Saskatchewan court staff do not use social media to their fullest extent. Nevertheless, it's still better than no social media presence at all. Their posting of judgments could be helpful to people who urgently need or want to know when judgments are handed down.

A survey of 25 people who visited the Facebook page of the Superior Court of Arizona in Maricopa County stated that the information that they would like to be able to read on the Court's Facebook page includes events, current news, job openings and emergency information.<sup>127</sup> Admittedly, this is a small sample, and a bigger sample may provide different responses.

Bladow and Raby recommend that courts 'consider using Twitter as an online help desk. This has been extremely successful for businesses, such as Comcast, Home Depot, and Southwest Airlines.'<sup>128</sup> One assumes this quote means that the public could post as many questions as they want to on a court's social medium account and that court staff will answer all of them. This would likely take a lot of court staff's time. Nevertheless, a court has a greater need to answer questions than a typical business. One could argue that it's more important that the public is satisfied with a court's service, as opposed to a business' service. If the public can ask court officials questions by posting them on social media, they may become more satisfied with their court experience. The public may find this more convenient than calling the court or visiting the court to ask questions. This is because the court's telephone lines can be busy and there may be long lines at the court's registry.

Staff at the Children's Court of Victoria are concerned that they would not have a sufficient amount of content to post on social media because they publish few written decisions.<sup>129</sup> However, there's still lots of static information that they can post, such as new court rules, public court events and job openings.

When court staff decide which information they will post on social media, they can consider which stakeholders they most want to appeal to (e.g. the public, lawyers, journalists) and then post content accordingly. The most important stakeholder is the public. It is important to engage them and do whatever possible (within reason) to ensure that they have confidence in the courts. Whilst journalists and lawyers are important stakeholders, they likely know where

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<sup>126</sup> Laura Click, National Center for State Courts, *From Sketch Pads to Smart Phones: How Social Media Has Changed Coverage of the Judiciary* (2011) at 48, <http://ncsc.contentdm.oclc.org/cdm/ref/collection/ctmedia/id/30> viewed 24 August 2013.

<sup>127</sup> Patricia Seguin, Superior Court of Arizona in Maricopa County, *The Use of Social Media in Superior Court of Arizona in Maricopa County* (2011) at 29, <http://www.ncsc.org/~media/Files/PDF/Education%20and%20Careers/CEDP%20Papers/2011/Social%20Media.ashx> viewed 24 August 2013.

<sup>128</sup> Katherine Bladow and Joyce Raby, National Center for State Courts, *Using Social Media to Support Self-Represented Litigants and Increase Access to Justice* (2011) at 38, <http://ncsc.contentdm.oclc.org/cdm/ref/collection/ctmedia/id/29> viewed 24 August 2013.

<sup>129</sup> Questionnaire answers by email from the Media and Communications Manager, Children's Court of Victoria to Marilyn Krawitz, 24 June 2013.

to find information about the courts themselves, particularly in contrast to the average member of the public.

#### VIII WHICH TYPES OF SOCIAL MEDIA SHOULD COURT STAFF USE?

An important question that court staff should consider if they decide to use social media is which social medium they should use. Twitter is the most common social medium that court staff in Australia, Canada and the United Kingdom use.

It likely takes more resources to maintain a YouTube account or a Facebook account than a Twitter account. Therefore, Twitter would probably be the best social medium for court staff to use if they only decide to use one. Ideally, court staff would use all three types of social media. That way, they could engage as many people as possible.

#### IX WHICH COURT STAFF SHOULD BE RESPONSIBLE FOR THE SOCIAL MEDIUM ACCOUNT

Another issue that court staff would need to consider if they decide to start using social media is who should be in charge of the social medium account. Two staff at the Magistrates Court of Victoria are responsible for its social media: the Manager, Magistrates' Support Services and the Court Advice Officer (Operations).<sup>130</sup> Three staff at the Family Court of Australia are responsible for its social medium account.<sup>131</sup> The Courts Communication Officer of the Saskatchewan Courts is responsible for maintaining the Courts' social media accounts.<sup>132</sup> The Manager of Publications (Decisions) and the Director of Communications at Nova Scotia Courts are responsible for the Courts' social media activities.<sup>133</sup> The Maricopa County Superior Court has a full-time staff member who works on videos for court officials to post on You-Tube.<sup>134</sup>

Ideally, court staff should consider making two people responsible for a court's social medium account. One person would work in the court's media department and the other would work on the court's public engagement. Both staff members' perspectives would be useful. When more than one staff member is responsible for the account, it helps keep consistency if one of the staff members takes leave.<sup>135</sup>

However, given Australian courts' lack of resources, the author suggests that whichever staff member is responsible for the court's media should be responsible for the court's social medium account.

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<sup>130</sup> Questionnaire answers by email from the Manager, Magistrates' Support Services, Magistrates Court of Victoria, to Marilyn Krawitz, 26 July 2013.

<sup>131</sup> Questionnaire answers by email from the Media & Public Affairs Manager, Family Court of Australia to Marilyn Krawitz, 12 August 2013.

<sup>132</sup> Questionnaire answers by email from the Courts Communications Officer, Saskatchewan Law Courts to Marilyn Krawitz, 14 June 2013.

<sup>133</sup> Questionnaire answers by email from the Director of Communications, the Nova Scotia Judiciary to Marilyn Krawitz, 30 May 2013.

<sup>134</sup> Arizona State University, School of Criminology and Criminal Justice, *Social Media: Important Tool for Police and Courts* (undated) at [7], <http://ccj.asu.edu/news-events/news/social-media-important-tool-for-police-and-courts> viewed 24 August 2013.

<sup>135</sup> Questionnaire answers by email from the Media & Public Affairs Manager, Family Court of Australia to Marilyn Krawitz, 12 August 2013.

## X HOW TO GET STARTED

If court staff decide to use social media, they should first learn about it.<sup>136</sup> Then they can discuss their upcoming use of social media with staff from other courts.<sup>137</sup> They can also think about their communication goals generally and how using social media can help to accomplish them.<sup>138</sup>

Bladow and Raby recommend that when court officials decide to implement a social media strategy they first establish a small goal that they want to accomplish, then pick the correct social medium, then ‘pilot the project’.<sup>139</sup> This involves choosing the appropriate staff for the project, drafting a policy, creating the social medium account, then reviewing the process and repeating these steps.<sup>140</sup>

The Superior Court of Arizona in Maricopa County has a policy on Facebook and Twitter use for employees who create and use social media on behalf of the Court to follow.<sup>141</sup> Australian court staff could examine it. They could also ask staff of the Australian courts who use social media if they could examine their policies. Court policies about social media use should anticipate any problems that might occur and suggest solutions.<sup>142</sup>

After court staff start to use social media, they can post a link from the homepage of the court’s website to the social medium account. They can also send an email about it to the court’s stakeholders. If they do not do so, then the court’s stakeholders may not know about the social medium account. The public may assume that each court has a webpage, but they may not assume that the court has a social medium account. This is especially because few Australian courts have social media accounts.

Court officials may ensure that they have proper technological security in place so that it is difficult for someone to hack into their social medium account. One would assume that court staff have strong security in place for their existing websites. This could potentially be useful for their social media accounts.

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<sup>136</sup> Travis Olson and Christine O’Clock, National Center for State Courts, *The Role of Social-Networking Tools in Judicial Systems* (2010) at 167, <http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctmedia/id/21> viewed 24 August 2013.

<sup>137</sup> Travis Olson and Christine O’Clock, National Center for State Courts, *The Role of Social-Networking Tools in Judicial Systems* (2010) at 167, <http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctmedia/id/21> viewed 24 August 2013.

<sup>138</sup> Travis Olson and Christine O’Clock, National Center for State Courts, *The Role of Social-Networking Tools in Judicial Systems* (2010) at 167, <http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctmedia/id/21> viewed 24 August 2013.

<sup>139</sup> Katherine Bladow and Joyce Raby, National Center for State Courts, *Using Social Media to Support Self-Represented Litigants and Increase Access to Justice* (2011) at 39, <http://ncsc.contentdm.oclc.org/cdm/ref/collection/ctmedia/id/29> viewed 24 August 2013.

<sup>140</sup> Katherine Bladow and Joyce Raby, National Center for State Courts, *Using Social Media to Support Self-Represented Litigants and Increase Access to Justice* (2011) at 39, <http://ncsc.contentdm.oclc.org/cdm/ref/collection/ctmedia/id/29> viewed 24 August 2013.

<sup>141</sup> Patricia Seguin, Superior Court of Arizona in Maricopa County, *The Use of Social Media in Superior Court of Arizona in Maricopa County* (2011) at 7, <http://www.ncsc.org/~media/Files/PDF/Education%20and%20Careers/CEDP%20Papers/2011/Social%20Media.ashx> viewed 24 August 2013.

<sup>142</sup> Michael S. Sommermeyer, National Center for State Courts, *All-A-Twitter: Harnessing New Media for Judicial Outreach and Communication*, (2011) at 53, <http://ncsc.contentdm.oclc.org/cdm/ref/collection/ctmedia/id/28> viewed 24 August 2013.

## X CONCLUSION

According to Chief Justice Warren, '[t]echnology and social media provide an exhilarating opportunity for the Courts to tell the public who [they] serve who [they] are, what [they] do, how [they] do it and why the rule of law matters.'<sup>143</sup> More court staff should take advantage of this 'exhilarating opportunity'. In particular, court staff can easily create an Output Only Twitter account to ease into using social media. This article has examined many benefits that court staff and courts' stakeholders can receive when court staff use social media. It also examined the reasons why some court staff do not use social media. The main reasons appear to be a lack of resources and a lack of appreciation by court staff of the potential benefits of using social media. The main recommendations that the author makes are that Australian court staff consider establishing a Twitter account for each court using the Input Output Approach and that two staff at each court are responsible for it.

If court officials do not use social media, 'the spread of these tools will not make them disappear or diminish their impact in society.'<sup>144</sup> Rather, social media will become more widely used. The public may find that court staff are out of touch because most court staff do not use social media. This does not have to happen, but will it?

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<sup>143</sup> Chief Justice Marilyn Warren, 'Open Justice in the Technological Age' (Speech delivered at the 2013 Redmond Barry Lecture, Melbourne, Victoria, 21 October 2013) 22.

<sup>144</sup> Michael S. Sommermeyer, National Center for State Courts, *All-A-Twitter: Harnessing New Media for Judicial Outreach and Communication* (2011) at 55, <http://ncsc.contentdm.oclc.org/cdm/ref/collection/ctmedia/id/28> viewed 24 August 2013.



## **Appendix A**

### Australia:

Family Court of Australia:

<https://twitter.com/FamilyCourtAU>

Supreme Court of Victoria:

<https://twitter.com/SCVSupremeCourt>

<http://www.youtube.com/user/SupremeCourtVictoria?feature=guide>

Magistrates Court of Victoria:

<https://twitter.com/magcourtvic>

### Canada:

The Courts of Nova Scotia:

[https://twitter.com/CourtsNS\\_News](https://twitter.com/CourtsNS_News)

[https://twitter.com/CourtsNS\\_Notice](https://twitter.com/CourtsNS_Notice)

[https://twitter.com/CourtsNS\\_NSCA](https://twitter.com/CourtsNS_NSCA)

[https://twitter.com/CourtsNS\\_NSSC](https://twitter.com/CourtsNS_NSSC)

[https://twitter.com/CourtsNS\\_NSPC](https://twitter.com/CourtsNS_NSPC)

[https://twitter.com/CourtsNS\\_NSSM](https://twitter.com/CourtsNS_NSSM)

Saskatchewan Law Courts:

<https://twitter.com/SKCourts>

<http://www.youtube.com/channel/UC192QXfF7WP3ktJvIIB3O4g?feature=watch>

## **Appendix B**

## Questionnaire Questions

- Does your court use social media webpages to inform the public about the court's activities (i.e. Facebook, Twitter)? (yes/no)
- If yes, please provide a link to all of the social media webpages.
- If yes, please describe the activities of your court on social media webpages (i.e. has a Facebook page, has a Twitter account).
- If yes, what is the title of the person responsible in your court for maintaining the social media webpages (i.e. a public information officer)?
- Is yes, please describe approximately how often new information is added onto your court's social media webpages.
- If yes, why has your court decided to use social media?
- If yes, has your court received any benefits from using social media? (yes/no)
- If yes, what are the benefits that your court has received?
- If no, please provide a reason if you can?
- If no, please state whether your court is considering implementing social media activities in the future.

