

## **Reprimand of judges for social media misconduct warrants updated guidelines**

After a spate of reports of judges using social media in partisan and inappropriate ways, observers say states should revisit their guidelines and give more clarity.

While the frequency of which judges are accused of breaching online ethics protocols is not regularly tracked, a review of dozens of these cases reveals a serious lapse in judgment among many of them, which judicial ethics experts believe is being stoked, in part, by the nation's political divide and the pervasiveness of social media.

States generally follow the American Bar Association's "model code of judicial conduct," which does not specifically mention social media norms. The association also offers nonbinding guidance from 2013 that says if judges use "proper care" when they opine online, they can avoid compromising their integrity. On the federal level, a planning resource for judicial employees' social media use was devised in 2010 and warned that "nothing is 'private' on the Internet."

The Center for Judicial Ethics at the National Center for State Courts, a nonprofit organization that seeks to improve the judiciary, has examined cases in which judges were rebuked for expressing views on controversial topics or endorsing political candidates. Some of the judges used private accounts, while others did not attempt to hide their judicial affiliations.

"All of the judges in these cases acquiesced in the sanctions, often expressing remorse, apparently recognizing on reflection that thoughtless clicking and virtual outbursts by judges can damage the judiciary's reputation," the center said.

The cases include a criminal court judge in the Memphis, Tennessee, area who was publicly reprimanded in 2019 for making partisan statements by sharing images on his Facebook account that were critical of several issues and people, including former presidential nominee Hillary Clinton, athletes kneeling during the national anthem, the Black Lives Matter movement, fatal shootings by police, transgender bathroom policies, and undocumented immigrants and voting.

In some cases, judges chose to retire or resign before they were subject to an investigation while in office.

The California Judges Association wrote that while it's OK for judges to leave reviews on crowd-sourced sites like Yelp and Tripadvisor and use the "like"

function, it shouldn't be done in a way that leaves the impression they're using the power of their office to endorse something or that it's part of their official capacity.

Judge Stephen Dillard, who sits on the Court of Appeals of Georgia, said the hazards of social media shouldn't dissuade judges from using it, and if employed correctly, it can provide an outlet for judges to connect with constituents while demystifying what they do. With more than 19,500 followers on Twitter, Dillard shares scenes from the courtroom and his chambers, but also his taste in music and sports teams, and occasionally, offers personal reflections.

“I’ve said this before, but it’s worth repeating: Follow, read, and engage with smart, thoughtful people who think differently than you do—even if they occasionally (or often) challenge things or principles you care deeply about. Echo chambers aren’t healthy for any of us”.

*Источник: NBC News*