

ALL-A-TWITTER: HARNESSING NEW MEDIA FOR JUDICIAL OUTREACH AND COMMUNICATION

Michael S. Sommermeyer

Quality Assurance Manager, Nevada Supreme Court

New-media tools need not be a threat to the integrity of the judiciary if they are employed with a clear set of objections and an understanding of potential misuse. Social media allow courts to directly reach out to communities, share success stories, and respond to constituent needs.

As an act of survival, the Clark County Courts Public Information Office (PIO) in Las Vegas, Nevada turned to using Twitter following the September 16, 2007 arrest of O.J. Simpson. This micro-blogging tool, which sends out messages in 140-character “tweets,” was the fastest way to broadcast simple answers to the more than 100 journalists, photographers, and television producers who descended on the courthouse following the robbery at a Las Vegas hotel-casino by Simpson and his crew. Adoption of the new-media tool was considered an extension of the LVCourtsblog.com, a Wordpress blogging solution implemented in 2003 when the information technology department indicated the current Web site software was unable to send out an RSS feed, a syndication tool that allows individuals to read news as it is published. The blog-generated news feed became a useful way to disseminate information to journalists, alerting them of press releases, program changes, and court orders. The LVCourts Blog developed into an invaluable online judicial newsroom.

Yet with the arrest of Simpson, the blog no longer could be relied upon to send out messages as quickly as the media demanded. The PIO required a computer to update the blog, and with all of media camped around the courthouse and their endless questions, finding one became a near-impossible task. In the cycle of instant news, the media wanted any tidbit of information they could share about the Simpson case with viewers, Web site readers, and listeners (Twitter, 2008). Journalists also wanted information quickly. The office phone, the cell phone, and the main switchboard were overwhelmed with calls. Media converged for

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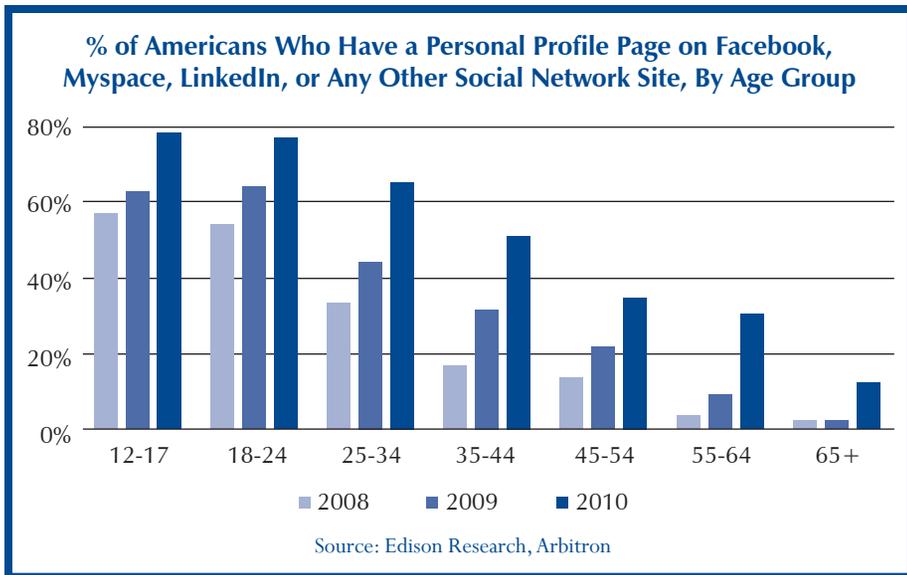
impromptu briefings on the courthouse steps. Judges and court staff were stopped and asked questions about specifics of the case or their opinions on the arrest. A way to restore calm was needed.

Gaining Control Tweet by Tweet

Twitter, which began in 2006 as an experiment in instant messaging, quickly became another arrow in the communication quiver (Sagolla, 2009: 5). The online-messaging tool broadcasts short messages to everyone at once and can be monitored by journalists in the newsroom. Using a cell phone, the PIO was able to communicate immediately to anyone who subscribed to the feed. Word quickly spread that the court was using Twitter, and hundreds of people started following the feed. For a moment, the media calls stopped.

It would be simplistic to suggest that the Clark County Courts’ use of micro-blogging, blogs, social media, and other new media tools changed the paradigm for how the courts communicated with media and customers. In truth, the courts had been developing strategies for reaching audiences since the creation of the PIO in 2001. The use of new-media tools to extend the courts’ reach to various audiences was considered a core element of the courts’ communication plan. The courts’ Web site was redesigned to focus on communication of court programs, news, and outreach. The blog was developed as the central repository of court news, press releases, biographies, photos, and other media-centric material. E-mail lists were created, allowing individuals to subscribe to online newsletters about various court programs and initiatives.

All of these were an extension of an initiative established in 2003 by then Chief Judge Kathy A. Hardcastle and former Court Administrator Charles J. Short to make the Clark County Courts into a virtual courthouse. Users could obtain court



services and programs from any location in the world (Short, 2005). Access to justice would be offered to the tourist from Australia who wanted to pay a traffic ticket online, as well as to an attorney in Las Vegas who wanted to file a civil pleading electronically from the office. Providing access to information to extend transparency and build trust was considered as important by the courts as providing access to justice.

Leading the Way When Others Will Not

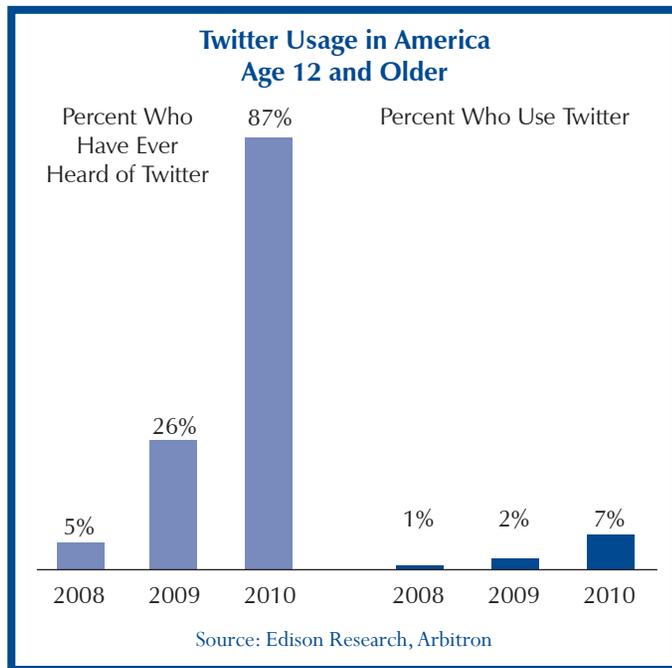
By 2005, the Las Vegas court system was ahead of the curve in providing information online, along with electronic access to court programs. The court became only one of a handful of courts using new-media tools to communicate with others. A 2010 survey by the Conference of Court Public Information Officers, in cooperation with the National Center for State Courts and the E.W. Scripps School of Journalism at Ohio University, determined that the number of courts using social media, blogging, and other forms of new-media technology was relatively few (Conference of Court Public Information Officers, 2010: 68). Only 7 percent of survey respondents indicated they used some form of these tools and, even then, many were not actively pursuing new-media tools.

When discussing the merits of social media, court administrators and judges cite fear of losing control of the message; bias; undue influence; and misuse as the main reasons for avoiding its use (Sinrod, 2009). The possibility that jurors would post messages about verdicts, only moments after they were announced in court, also has had a chilling effect (Marks, 2009). The possibility of a blogger or user of social media adversely influencing a court or a case sends alarms throughout the courthouse and chills down the spines of court officials and judges. Recent judicial ethics committees and commissions in Ohio, New York, Florida, and North Carolina recognized the potential for defendants to “friend” and potentially influence judges by establishing an online relationship leads to questions about ethical behavior and whether the potential for transparency and openness fails to justify the risk (Schwartz, 2009).

The Reality of Social Media

The reality is that people visiting the courthouse frequently use social media (Browning, 2010). Individuals routinely post observations about their jury duty and other court experiences on social-media channels, such as Facebook, Tumblr, and Twitter. The courthouse is a dynamic canvas where human stories unfold. At some point in their lives, almost everyone will find themselves at a courthouse, whether for jury duty, a traffic ticket, or something much more. Individuals come into a court angry, sad, frustrated, or confused. They do their duty. They plead their cases and learn their fates. Some accept it and are repentant. Others, not so much. It is a place full of emotions that people want to share. The drama of the courthouse traditionally made the front page of the newspaper or the evening news. Unfortunately, declining readership, and a shift to focus on celebrity or notorious crimes, has reduced courthouse coverage by local and national media (Ratcliff, 2008). Now any emotion from a court hearing likely will be found on Twitter.

The use of new media has increased nearly as quickly as traditional media has declined (Pew Research Center, 2011). The number of bloggers and citizen journalists has also expanded as special-interest and niche groups dominate the news cycle (Vocus Research, 2011). One of the largest new-media news portals, *The Huffington Post*, obtains much of its content from contributors who post articles without compensation (Linkins, 2011). Audience is determined by the amount of interest a story generates. The notion that comrades and friends tend to share



news with each other clearly is the driving force behind social networking and new media. Courts are finding that these special niche groups, from lawyers to court observers, frequently access social media to obtain news, information, and gossip about court cases and the legal community. This

phenomenon allows courts to tap into the news stream, delivering content directly to the public, and to monitor conversations about courts, judges, and judicial programs (Plummer, 2010).

A Shifted Paradigm Opens New Doors

This paradigm shift has changed the way court PIOs obtain coverage for important court initiatives. At one time, the court PIO could rely on issuing a press release and finding coverage about a court program in the morning newspaper. Those days are gone, and courts now must look to other communication channels to generate awareness of projects and initiatives (Sellers, 2008). Information can be communicated immediately to many people with diverse backgrounds and interests through new-media tools. Plus, these communication channels provide courts with an inexpensive way to create awareness. A Facebook page, Twitter feed, blog, video, or podcast can give courts the ability to bypass the traditional media gatekeepers of

newspapers and television and reach out directly to the groups willing to follow a court's communications. When used in conjunction with a communication strategy, new-media tools, such as Twitter, Facebook, YouTube, and others, can be effective in a court's outreach efforts. New media can engage customers, encourage advocacy, generate dialogue, and develop positive relationships (Harman, 2010). The key is to develop a plan of action that anticipates misuse and bad behavior and strategies for addressing such problems in advance.

CASA Flourishes Because of Social Media

In Clark County, where Las Vegas is located, the Court Appointed Special Advocates (CASA) program has provided advocates for children in the juvenile justice system for the past 30 years. Former Juvenile Judge John Mendoza coined the acronym CASA, a Spanish word for home, as a way to help the public better understand the efforts of the court's guardian ad litem program. The term was soon adopted nationwide (Mendoza, 2010). The program relies almost entirely on public outreach and court-generated publicity to recruit new volunteers and solicit contributions to the Las Vegas CASA Foundation. With no budget for advertising or marketing, the program turned to new-media tools in 2009 to generate awareness and attract new volunteers.

A communication-and-outreach plan was developed to help the program expand its message to new audiences and help current CASAs spread the word about the program. While traditional media still can be relied upon to cover adoption events, the basic task of recruitment and training fell to new-media tools. Facebook has become a primary medium for friends of CASA to share their stories, announce successes, congratulate new CASA graduates, and provide general information. Creating a two-way communication with fans and followers and making them feel like they are a part of something is essential to building a successful strategy (Emarketer, 2010). Not all courts are comfortable with the two-way conversations inherent in social media. Concerns about privacy and ethics stand out as key considerations. Some courts doubt new media tools are useful or effective in reaching key constituents (Conference of Court Public Information Officers, 2010: 25).

While managing the dissemination of information through new media requires commitment and time, the results often outshine the return on investment from traditional marketing and advertising.

Obstacles to Implementing a CASA Plan

Concerns about privacy, ethics, and opening up the court to criticism were obstacles that required attention as the Clark County CASA program proceeded to develop a Facebook page (Conference of Court Public Information Officers, 2010: 39). The program ultimately proceeded with a Facebook plan that included rules to limit inappropriate disclosure of private information and clear direction for sharing successes and stories. To expand exposure for the program, CASA began broadcasting on Twitter to direct visitors back to the CASA Facebook page. The program allowed CASA to build trust through transparency by responding directly to constituent questions. The Facebook page allows the program to share news, post photos and videos, announce upcoming events, and recognize volunteers. A key advantage is the ability to track interactions and measure the return on investment of time and energy devoted to building and maintaining the page (Paine, 2011).

Measuring Success

The successful engagement of audiences directly through new media can be measured by reviewing the types of conversations and the spread of information to multiple social-media channels (Turner, 2010). While managing the dissemination of information through new media requires commitment and time, the results often outshine the return on investment from traditional marketing and advertising. Court programs that devote a few hours each week to posting content to Facebook or YouTube reap substantial rewards through increased advocacy and support and the spread of information by word of mouth (Brogan, 2009).

After implementing a Facebook page, the Clark County Courts CASA program experienced an increase in the number of new volunteers while improving the retention of volunteers. Active use of the page among its Facebook fans

demonstrates strong support for the program. Further insights show the page is most frequently visited by women 35 to 44 years of age who frequently express that they “Like” a particular post. The fans of the program react strongly to the program’s mission to provide a voice for children, and they share this view with others. Fans frequently leave comments, especially on messages about new graduates or success stories about child advocacy. These responses provide a clear voice of support that extends out into the community. Word of program successes now spreads from Facebook to the traditional media, resulting in increased media exposure. All of these outcomes can be measured through the monitoring of increased dialogue, advocacy, and support of the CASA program, further justifying the program’s use of new media as a communication channel (Paine, 2011).

Tools for Measuring Success . . .

No single tool currently exists that can capture and measure all aspects of social media and provide a clear snapshot of results about a particular set of social-media channels. This is a clear challenge for courts wanting demonstrable evidence to justify the use of social media for public outreach. Many individual tools promise to provide a clear review of social media, but few completely provide results. A number of commercial and free tools are available to monitor social media and examine metric results, including SocialSeek, Google Trends, Radian6, SM2, and Cymfony. These tools each gauge the success of social-media outreach in different ways, from measuring the influence of a message to counting the number of times a message was shared. In the end, the measurement of success of a particular social-media campaign depends on the goals and expected outcomes (Paine, 2011).

. . . or Just Success

New-media communication channels need not be a threat to the integrity of the judiciary if they are used with a clear set of objectives and an understanding of their potential use and misuse. A communications plan, examining the use of new-media tools by employees, court programs, and other users, should be written and followed to ensure control over court messages and outcomes (Arizona Judicial Branch, 2010: 8). With more than 500 million users registered on Facebook, a population exceeding that of the United States, new media no longer can be considered a fad to be ignored (Facebook, 2011). Individuals will turn to new media to find information on topics that interest them. The courts and the cases

that flow through them will remain among those topics as long as the judiciary remains a bellwether of the community. The successful use of new-media tools by the Clark County Courts demonstrates the place that new media has in the conversation. Ignoring the spread of these tools will not make them disappear or diminish their impact in society. By developing strategies now to better use new media, the judiciary not only will be prepared for its growing influence, but will benefit.

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