

**SURVEY OF JUDICIAL ETHICS OPINIONS ON SOCIAL MEDIA - MAY 30, 2014**

JURISDICTION	ALLOW SOCIAL MEDIA USE BY JUDGES?
ALABAMA	No decision
ALASKA	No decision
ARIZONA	<p align="center">Op. 14-1: May 5, 2014</p> <p>1) It is impermissible to use LinkedIn to "recommend" an attorney who appears before the judge</p> <p>2) It is generally permissible to be "friends" with an attorney on Facebook, Twitter, or Instagram</p>
ARKANSAS	No decision
CALIFORNIA	<p align="center">Op. 66: 2010</p> <p>1) It may be permissible to be Facebook "friends" with an attorney who <i>may</i> appear before the judge BUT</p> <p>2) It is impermissible to be Facebook "friends" with an attorney who has a matter pending before the judge (attorney must be "unfriended")</p>
COLORADO	No decision
CONNECTICUT	<p align="center">Op. 2013-6: March 22, 2013</p> <p>1) It is impermissible to be social media "friends" with an attorney who may appear before the judge</p> <p>2) It is impermissible to be social media "friends" with social workers who may appear before the judge</p> <p>3) It is impermissible to view parties' or witnesses' social media pages</p>
DELAWARE	No decision
FLORIDA	<p align="center">Op. 2009-20: Nov. 17, 2009</p> <p>1) It is impermissible to be social media "friends" with an attorney who may appear before the judge (see <i>also</i> Op. 2010-06: March 26, 2010)</p> <p align="center">Op. 2012-12: May 9, 2012</p> <p>1) It is impermissible to have a LinkedIn "connection" with an attorney who may appear before the judge</p>
GEORGIA	No decision
HAWAII	No decision

JURISDICTION	ALLOW SOCIAL MEDIA USE BY JUDGES?
IDAHO	No decision
ILLINOIS	No decision
INDIANA	No decision
IOWA	No decision
KANSAS	No decision
KENTUCKY	Op. JE-119: Jan. 20, 2010 1) It is generally permissible to be social media "friends" with attorneys
LOUISIANA	No decision
MAINE	No decision
MARYLAND	Op. 2012-07: June 12, 2012 1) It is generally permissible to be social media "friends" with attorneys
MASSACHUSETTS	Op. 2011-6: Dec. 28, 2011 1) It is impermissible to be social media "friends" with attorneys who may appear before the judge
MICHIGAN	No decision
MINNESOTA	No decision
MISSISSIPPI	No decision
MISSOURI	No decision
MONTANA	No decision
NEBRASKA	No decision
NEVADA	No decision
NEW HAMPSHIRE	No decision
NEW JERSEY	No decision
NEW MEXICO	No decision

JURISDICTION	ALLOW SOCIAL MEDIA USE BY JUDGES?
NEW YORK	<p>Op. 08-176: Jan. 29, 2009</p> <p>1) It is generally permissible to be social media "friends" with attorneys</p> <p>Op. 13-39: May 28, 2013</p> <p>1) It is generally permissible to be social media "friends" with parties to a case before the judge</p>
NORTH CAROLINA	No decision
NORTH DAKOTA	No decision
OHIO	<p>Op. 2010-7: Dec. 3, 2010</p> <p>1) It is generally permissible to be social media "friends" with attorneys</p> <p>2) It is impermissible to view parties' or witnesses' social media pages</p>
OKLAHOMA	<p>Op. 2011-3: July 6, 2011</p> <p>1) It is impermissible to be social media "friends" with attorneys, social workers and others who may appear before the judge</p>
OREGON	No decision
PENNSYLVANIA	No decision
RHODE ISLAND	No decision
SOUTH CAROLINA	<p>Op. 17-2009: Oct. 2009</p> <p>1) It is generally permissible to use social media</p>
SOUTH DAKOTA	No decision
TENNESSEE	<p>Op. 12-01: Oct. 23, 2012</p> <p>1) It is generally permissible to use social media</p>
TEXAS	No decision
UTAH	<p>Op. 12-01: Aug. 31, 2012</p> <p>1) It is generally permissible to be Facebook "friends" with an attorney who may appear before the judge</p> <p>2) It is generally permissible to follow an attorney who may appear before the judge on Twitter</p> <p>3) It is impermissible to use LinkedIn to "recommend" an attorney who appears before the judge</p>

JURISDICTION	ALLOW SOCIAL MEDIA USE BY JUDGES?
VERMONT	No decision
VIRGINIA	No decision
WASHINGTON	No decision
WEST VIRGINIA	No decision
WISCONSIN	No decision
WYOMING	No decision
GENERAL U.S. (FEDERAL)	U.S. Advisory Op. 112: March 2014 1) It is generally permissible to use social media
GENERAL U.S. (ABA)	OP. 13-462: Feb. 21, 2013 1) It is generally permissible to be social media "friends" with a party, witness, or attorney who may appear before the judge

**\* In all jurisdictions with cited ethics opinions, a social media connection to anyone who may appear before the judge in any capacity is, at the very least, relevant evidence in support of recusal. Even jurisdictions generally tolerant of social media connections acknowledge that, in some circumstances, a social media connection could indicate a level of familiarity warranting recusal.**

### SPECIFIC EXAMINATIONS OF JUDICIAL BIAS AND SOCIAL MEDIA

- 1) *Public Reprimand of Terry* (North Carolina Judicial Standards Commission April 1, 2009) (<http://www.aoc.state.nc.us/www/public/coa/jsc/publicreprimands/jsc08-234.pdf>) (judge reprimanded for ex parte communications through Facebook with counsel currently appearing before judge)
- 2) *In re Bass*, Public Reprimand (Georgia Judicial Qualifications Commission March 18, 2013) (<http://www.gajqc.com/news.cfm>) (judge suspended for using Facebook to give advice about how to handle a DUI/get the DUI case before the judge so he could get rid of it)
- 3) *In the Matter of Allred*, Reprimand and Censure (Alabama Court of the Judiciary March 22, 2013) (<http://judicial.alabama.gov/judiciary/COJ42PUBLICREP.pdf>) (judge reprimanded for using Facebook to make public comments about pending contempt proceedings against counsel)
- 4) *In the Matter of Fowler* (West Virginia Judicial Investigation Commission March 14, 2014) (judge admonished for sending sexually explicit Facebook messages to a woman who appeared before judge in court)

- 5) *New Mexico Judicial Standards Commission 2013 Annual Report* ([http://www.nmjsc.org/docs/annual\\_reports/FY13AnnualReport.pdf](http://www.nmjsc.org/docs/annual_reports/FY13AnnualReport.pdf), page 41) (Judge privately warned about using Facebook to comment publicly on his ongoing trial)
- 6) *Domville v. State*, 103 So. 3d 184 (Fla. Dist. Ct. App. 2012) (finding need for reversal of lower court decision because the trial judge was Facebook “friends” with prosecutor)
- 7) *Chace v. Loisel*, 5D13-4449, 2014 WL 258620 (Fla. Dist. Ct. App. Jan. 24, 2014) (finding judicial bias because trial judge sent Facebook “friend” request to wife who was currently appearing before judge in divorce case)
- 8) *Hachenberger v. Hachenberger*, 135 So. 3d 413 (Fla. Dist. Ct. App. 2014) (finding judicial bias because trial judge sent Facebook “friend” request to a party in a trial before judge)
- 9) *State v. Ferguson* (TN Dist. Ct. App. 2014) (<https://www.ajs.org/files/2913/9946/4376/SocialmediaandjudicialethicsAJS.pdf>) (finding no need for reversal of lower court decision because trial judge’s Facebook “friendship” with a witness was insufficient to show bias)
- 10) *State v. Madden* (TN Dist. Ct. App. 2014) (<http://tncourts.gov/sites/default/files/maddenopn7.pdf>) (finding no need for reversal of lower court decision because trial judge’s Facebook “friendship” with a witness was insufficient to show bias)
- 11) *Youkers v. State*, 400 S.W. 3d 200 (TX Dist. Ct. App. 2013) (finding against reversal of lower court decision because trial judge’s Facebook “friendship” with victim’s father was insufficient by itself to show bias)
- 12) *People v. Schiller*, 2-11-0677, 2012 WL 6858178 (Ill. App. Ct. Dec. 19, 2012) (finding against reversal of lower court’s decision because defendant did not properly object to possible judicial bias concerning judge’s daughter’s Facebook “friendship” with victim’s sister at the trial level)
- 13) *Onnen v. Sioux Falls Indep. Sch. Dist. No. 49-5*, 801 N.W.2d 752 (S.D. 2011) (finding against reversal of lower court’s decision because a witness’s posting of a happy birthday message on judge’s Facebook page was insufficient to show bias)
- 14) *Clore v. Clore*, 135 So. 3d 264 (Ala. Civ. App. 2013) (finding against reversal of lower court’s decision because wife delayed in alleging bias on the grounds of judge’s Facebook “friendship” with wife’s/husband’s daughter)
- 15) *Smith v. Hudgins*, 2014 Ark. App. 150 (2014) (finding against reversal of lower court’s decision because there was insufficient evidence that Facebook connections between judge and appellee showed bias)