

# Preventing Social Media in the Courtroom: Can It Be Done?

by [DonaldScarinci@yahoo.com](mailto:DonaldScarinci@yahoo.com)

Social media continues to wreak havoc in courtrooms across the country. Despite repeated warning from judges, jurors are continuing to comment on cases via social media, “friend” parties to the lawsuits, and conduct their own Internet research outside of the courtroom.

All of these activities are strictly prohibited and threaten the validity of any resulting decision issued by the jury. However, [lawyers](#) and judges can’t seem to figure out how to stop the behavior.

In 2012, the [federal courts implemented](#) new jury instructions that directly address the use of Twitter, Facebook, and other similar services. Below is a portion of the revised instructions to jurors:

*I know that many of you use cell phones, Blackberries, the internet and other tools of technology. You also must not talk to anyone at any time about this case or use these tools to communicate electronically with anyone about the case. This includes your family and friends. You may not communicate with anyone about the case on your cell phone, through e-mail, Blackberry, iPhone, text messaging, or on Twitter, through any blog or website, including Facebook, Google +, My Space, LinkedIn, or YouTube. You may not use any similar technology of social media, even if I have not specifically mentioned it here. (The full text is available [here](#).)*

However, social media use by jurors persists even after the new instructions, forcing judges to go to great lengths to protect the sanctity of their proceedings. As the [American Bar Association](#) reports, a Florida judge recently ordered a juror to bring her computer to court after he discovered that she had conducted Internet research in a high-profile drug trial. The judge had previously ordered federal marshals to seize the computer, but reconsidered after prosecutors raised privacy and due process concerns.

Starting in 2013, jurors in federal courts will also watch a new [jury orientation video](#). The video was recently updated to address a number of issues, especially those raised by potential juror use of smartphones and other electronic devices. However, it unclear if the new video will be able to overcome our modern need to connect and share everything via the Internet and social media.