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## Social Media and the Courts - The Balance Between Open Justice and the Administration of Justice

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# Social Media And The Courts – The Balance Between Open Justice And The Administration Of Justice

*“In facing the reality of the modern communications revolution, it is crucial that we understand the technology and how it is being used – something lawyers and judges, often castigated as Luddites, may not find easy.”*

Right Honourable Beverley McLachlin, P.C.,  
Chief Justice of Canada, 15 September 2011



## Background

The widespread and pervasive use of social media in Australian society is increasing pressure on courts and tribunals to develop social media policies. Inconsistency in social media practices across the sector leads to the risk that courts may behave reactively and adopt unsuitable practices. Policies and protocols need to be developed to achieve the objective of open justice and due administration of justice.

### Proposal

International research – how courts are managing the implementation of social media usage within their own environments

International research - how the news media are using social media in reporting practices

Broad-based investigation into social media practices within a range of organisations including the police services and public sector

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1. Best-practice examples
  2. Resourcing options relating to the adoption of social media policies
  3. Ascertain trends in social media and where it is heading

## The Media

Who gets to tweet from/about courts?  
Redefining 'who is a journalist' in social media terms:

- Regular court reporters
- Other mainstream media journalists
- Bloggers
- Other PDA users?

### How Can Twitter Facilitate Open Justice?

- Information distributed in real time
- Reliable and legally appropriate information



*“...the use of an unobtrusive, hand held, silent piece of modern equipment for the purposes of simultaneous reporting of proceedings to the outside world as they unfold in court is generally unlikely to interfere with the proper administration of justice.”*

Lord Judge, *The Lord Chief Justice of England and Wales*, 14 December 2011



## Main Issues

- Social media policies are now commonplace
- Courts are different from other institutions but they work within the same social media landscape
- Communications departments in Australian courts < 20 years old
- Research shows there are no 'live tweeting' standards for media
- Two separate issues to be addressed
  1. Courts' use of SM
  2. Media use of SM in covering courts

## Innovation



## Outcome

