

New Federal Jury Instructions Tackle Social Media

by Christine M. Vanek on September 4, 2012

The federal courts recently took a significant step in addressing concerns that social media use by jurors could influence the way business lawsuits and other cases are decided. Newly released jury instructions now directly address the use of Twitter, Facebook, and other similar services.

The new jury instructions were prompted, in part, by a survey on jurors' use of social media. It found that the majority of judges (94%) polled had taken at least some form of precautionary steps to ensure that jurors do not use social media in their courtrooms, but were looking for additional guidance on the issue.

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](#).)

Because the survey revealed that juror use of social media was most often detected after being reported by a fellow juror, the new instructions also include the following warning: "You can only discuss the case in the jury room with your fellow jurors during deliberations. I expect you will inform me as soon as you become aware of another juror's violation of these instructions."

Going forward, it will be interesting to see if the more frequent and explicit reminders deter the use of social media, particularly among younger jurors who are accustomed to "sharing" via Twitter and Facebook.

If you have any questions about the new jury instructions or would like to discuss this topic, please contact me, Christine Vanek, or the Scarinci Hollenbeck attorney with whom you work.