



NCSC

National Center for State Courts

Center for Judicial Ethics

## Ethics Awareness Month – March 2022

### Weekly Tip #3

Since judges began to join everyone else on social media, judicial ethics advisory committees have been warning them of the risks inherent in being online when you have to “act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and avoid impropriety and the appearance of impropriety.” Judicial conduct commissions have reinforced that counsel in the increasing number of cases arising from judges’ conduct on social media. As noted in the [winter 2022 issue of the \*Judicial Conduct Reporter\*](#), there were 14 judicial discipline cases in 2021 involving social media, continuing a trend that began with one case in 2009.

In its [annual report for 2021](#), the New York State Commission on Judicial Conduct gave this tip to judges who participate on social media:

Think carefully before posting, especially when engaged in a heated discussion, and consider that a moment of reflection and restraint now may avert aggravation and disciplinary consequences later.

#### Center for Judicial Ethics publications on judicial ethics and social media:

- [Social media and judicial ethics Part 1](#) (2017): Introduction, “friending” attorneys, disqualification and disclosure, ex parte communications and independent investigations, and comments on pending cases
- [Social media and judicial ethics Part 2](#) (2017): Off-bench conduct – conduct that undermines public confidence in the judiciary, commenting on issues, abusing the prestige of office, providing legal advice, disclosing non-public information, charitable activities, political activities, and campaign conduct
- [Social Media and Judicial Ethics Up-date](#): Summaries of authorities issued since 2017, up-dated whenever there is a new advisory opinion or discipline case related to social media