Future Trends in State Courts 2011

Special Focus on Access to Justice

Social Media: A New Way to Communicate that Can No Longer Be Ignored

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During the recent royal wedding, there was some concern that the amount of social-media activity might actually cause the Internet to crash. While that phenomenon did not occur, Webtrends reported that over 1.25 million social-media entries were made in the days surrounding the event (retrieved from http://mashable.com/2011/04/29/royal-wedding-infographic on May 10, 2011). As was the case with the royal wedding, many people now depend exclusively upon social media to obtain the day’s news, reviews of companies and products, and the latest information on services. These developments are sure to impact courts and the way that we provide information and services.

For years courts have struggled with media relations. From whether to allow cameras in the courtroom to how to respond to a reporter’s questions, the questions often outnumber the answers to issues that arise. With the explosion of social media, courts must now decide not if we will embrace social media but when and to what degree.

As recently stated by retired New Hampshire chief justice John T. Broderick, Jr., our customers of the future will demand the increased technology services provided by social-media tools. Their “expectations will be very high. Ours better rise to meet them” (National Association for Court Management Midyear Meeting, February 7, 2011).

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Building on recent publications by the National Association for Court Management (Managing the Message: The NACM Media Guide for Today’s Courts, 2010) and the Conference of Court Public Information Officers (New Media and the Courts: The Current Status and a Look at the Future, 2010), this edition of Future Trends in State Courts presents a series of four articles about social media and the courts:

- Katherine Bladow and Joyce Raby detail the different types of social-media tools available and lay out a detailed recipe for courts to utilize in developing a social-media plan.
- John Kostouros provides a viewpoint on the changing demographic of those in the media and how those changes provide opportunities for courts to have better community outreach and education.
- Laura Click describes the seismic shift caused by social media, describes the new landscape that exists in the new reality, and suggests four practical steps for courts to take.
- Michael S. Sommermeyer provides an example of how the Clark County, Nevada courts have been able to harness the strengths of social media to deal with crises in the court as well as educate the public about very important court programs.

All four of these articles take the issue of social media from theory to practice for implementation in your court. We hope you find this information useful as you plan for your court’s transition into the new media age.
In their 2010 report “New Media and the Courts,” the Conference of the Court Public Information Officers documented social media’s impact on the public’s trust and confidence in courts. In this article, we expand on their work, looking at how courts are using social media to increase access to justice and listing steps courts can follow to implement a social-media initiative.

Businesses, nonprofit organizations, and government agencies are using social media to engage with their customers, listen for immediate feedback, and share news. For many, this investment is paying off. Social media are helping them further their mission: allowing them to be more responsive, helping them educate their customers, and improving their reputation.

Among those experimenting with social media are state courts, which are not just using it to broadcast news. They are also using social media to serve their customers. Given budget cuts and the increase in self-represented litigants, courts are looking for cost-effective ways to reach the public and educate them about the legal system. The courts want to prevent litigants from becoming mired in the process, which wastes resources and frustrates litigants. Because of their potential reach and the minimal investment needed to start projects, social media can help courts serve their customers.

In this article, we will first focus on how courts are using social media to support self-represented litigants and increase access to justice. We will then suggest several ways that courts might use social media, which have been used successfully in other sectors but not yet tried by courts. Finally, we will outline the general steps that courts should follow when they implement social-media initiatives.

What Is Social Media?
Social media is “the population of applications that enable online (or networked) discussion, participation and sharing. Each social media application enables interactive dialog, as opposed to traditional online applications that are essentially one way broadcasts” (Albrecht, 2010).

Many social-media tools exist. Three categories of tools will be examined.

Visual-Media Sharing
Visual-media-sharing Web sites were developed to host images, videos, and audio for people without the software, hardware, or technical skills needed to host their own. These sites greatly increase the number of people who can post and share visual media online. Examples of visual-media-sharing sites include Flickr, YouTube, and Vimeo.

Social Networking
On social-networking sites, people or organizations create profiles, connect with other people, and share messages, images, and videos with those connections. Facebook, LinkedIn, and MySpace are the most well known social-networking sites, but many more exist, including niche sites for the legal community, like Martindale-Hubbell Connected and LegallyMinded.

Microblogging
Microbloggers publish short, online messages that include text, images, videos, or audio. These messages are viewable by either the public or a restricted group. Examples of popular microblogging sites are Twitter, Tumblr, and Posterous.
How Are Courts Using Social Media?

Using social media to support self-represented litigants is a new trend. Several courts have gone beyond using social media to distribute general court information and news and have started to publicize resources available to help self-represented litigants. The following sections describe how courts have been using specific social-media tools to reach self-represented litigants.

Visual-Media Sharing

Posting videos on visual-media-sharing sites is the most popular method of using social media to share information with self-represented litigants. These short videos, usually one to six minutes, educate litigants about what to expect when filling out forms, filing documents with the clerk, or appearing in court. Addressing the common questions of self-represented litigants, these videos help both litigants and court staff. Self-represented litigants can review the videos at their convenience as they prepare their cases. Better-prepared litigants ask court clerks and judges fewer questions and proceed more quickly. Because the video scripts have been thoughtfully prepared and thoroughly reviewed, court staff can refer litigants to the videos and avoid situations where they may unintentionally provide legal advice instead of legal information.

The Indiana Supreme Court was one of the first courts to post videos for self-represented litigants on a visual-media-sharing site. Their YouTube channel was established in September 2008. As of January 2011, 129 videos have been posted, covering a variety of issues, including representing oneself in a family-law matter, mediation, and foreclosure-settlement conferences. These videos have been viewed over 137,000 times (see www.youtube.com/user/incourts).

The California Administrative Office of the Courts (CA AOC) has also posted videos on YouTube. Since 2009, videos on this channel have been viewed 4,300 times. The CA AOC added a self-help section in January 2011 with 11 videos that answer questions about mediation and arbitration, small-claims court, and restraining orders (see www.youtube.com/californiacourts#g/c/0FADD5544E020A3B).

Social Networking

Courts are only beginning to use social-networking sites, such as Facebook, MySpace, and LinkedIn, to assist self-represented litigants. Like most other institutions using these tools, courts are rarely creating new material to post on social-networking sites. More often, they link to existing materials to remind people that these resources are available and to encourage them to share the information.

Most courts that use Facebook are local courts, and they are primarily communicating information to the public about courthouse activities and operations: announcements of new staff and judges, courthouse-closure dates, and specific court events. Several of these courts also integrate news for self-represented litigants with their public-information announcements. An excellent example of this type of Facebook page comes from the Superior Court of Arizona in Maricopa County. Recent updates on their page announce the creation of a new veteran’s court, the date when a newly appointed judge will be sworn in, and the news that the law library will distribute federal tax packets to the public (see www.facebook.com/pages/Superior-Court-of-Arizona-in-Maricopa-County/324889836882).
A few Facebook pages go further. Their intended audience for all of the information they post is self-represented litigants. For example, the Milwaukee Justice Center, which uses “collaborative partnerships to provide free legal assistance to Milwaukee County’s unrepresented litigants through court-based self-help desks and legal resources” and is housed in the Milwaukee County Courthouse, has this type of Facebook page. Their updates routinely announce legal clinics and how many individuals the center serves on a given day. They also occasionally request donations and recognize volunteers (see www.facebook.com/pages/The-Milwaukee-Justice-Center/299854630634).

Access-to-justice commissions, which are created by courts, appear to be using social-networking sites the most. The South Carolina Access to Justice Commission, one of the first commissions to use Facebook, has posted a number of self-help resources on their page. They also engage their community by asking for feedback. For example, they have created animated movies using prefabricated characters and typed scripts to generate dialogue with Xtranormal (www.xtranormal.com). These movies are clearly experiments, and the commission has asked for feedback and guidance on whether the animations are easy to use and helpful (see www.facebook.com/pages/South-Carolina-Access-to-Justice-Commission/144084714749).

In addition to official pages, a number of unofficial entries for courts also exist on Facebook. These entries are created when people list a court as an employer or as a place where they have been. For example:

- An entry for the Alaska Court System Family Law Self Help Center (www.facebook.com/pages/Alaska-Court-System-Family-Law-Self-Help/103918533007497) displays the center’s location and contact information. This entry was created when someone told Facebook that he had been there.
- An entry for the Superior Court of California, County of Los Angeles, Inglewood Self-Help Center (www.facebook.com/pages/Los-Angeles-Superior-Court-JusticeCorps-Inglewood-Self-Help-Center/114823355201679) only displays the name of the court. This entry was created when an employee or volunteer identified the center as her workplace.

South Carolina’s Access to Justice Commission, Facebook Page

While the two examples above were likely created unintentionally, any Facebook member could create unofficial court entries. Aside from the potential impact on a court’s reputation, unofficial pages can also impede access to justice. Looking for a court on Facebook, self-represented litigants may find an unofficial entry, assume unknowingly that it is a court’s official page, and act based on incorrect or misleading information posted on that page. Since preventing people from creating unofficial entries is not possible, the best solution for this problem is to create an official court page, even if that page will not be used to actively share information. Alternatively, if a court finds someone impersonating a court and violating Facebook’s terms and conditions, the court can ask for the page to be removed.

Microblogging

Of the three categories of social-media tools discussed in this report, microblogging has the lowest adoption rate. Only around 25 courts use Twitter, and no courts were found on services like Tumblr or Posterous. Nevertheless, 2 of the 25 courts on Twitter are delivering information specifically for self-represented litigants: the Milwaukee Justice Center and the New York State Courts Access to Justice Program.
In addition to its Facebook page, the Milwaukee Justice Center also has a Twitter account. Their updates on Facebook and Twitter are the same. Using a tool built into Facebook, each of their updates are posted to Twitter automatically (see twitter.com/MKEJusticeCtr).

While it appears to be working for the Milwaukee Justice Centers, courts should use caution when automatically posting content. Court staff still need to respond to people who ask questions or comment on updates on all of the sites where the update is posted even if content is posted automatically.

The second court on Twitter that delivers information for self-represented litigants is the New York State Courts Access to Justice Program. They post about ten times a month, announcing self-help clinics, new self-help forms, volunteer lawyer trainings, and annual reports (see twitter.com/NYCourtsA2J).

Additional Opportunities for Courts to Explore

Compared to other sectors, courts are only beginning to experiment with using social media to serve customers. Because other institutions have been using these tools longer, courts would be wise to look to these institutions for successful initiatives to replicate as well as for best practices to follow when using social media.

After a review of what other institutions have done, the following three ideas, which other institutions have implemented successfully, stand out as initiatives that may be worth replicating.

**Self-Help-Focused Blogs**

Courts should consider creating blogs modeled after My New York Legal Help (www.mynewyorklegalhelp.com), a blog managed by LawHelp.org/NY. Their timely blog posts publicize new and existing content on LawHelp.org/NY and other legal-information Web sites. Posts are also translated into Spanish and published on Mi Ayuda Legal Nueva York (www.miayudalegalnueyork.com). A court could publish similar posts, which would alert the public to existing resources on their Web site as well as make it easier for self-represented litigants to find this content online.

**Twitter as a Help Desk**

Courts should consider using Twitter as an online help desk. This has been extremely successful for businesses, such as Comcast, Home Depot, and Southwest Airlines. Staff could refer people to online resources to answer questions like “Where can I find an attorney?” “What self-help services exist?” and “When is the court open?” Answers would be public and searchable, so others would also benefit from each question answered.

Certainly, the questions that could be answered via Twitter would have to be limited to those asking for legal information, and many policy issues would need to be addressed before this type of initiative could launch. Nevertheless, this activity could significantly increase the public’s ability to interact with a court, which could also dramatically improve a court’s reputation.

**Integrating Video into Web Site Content**

Court should embed the videos that they post on YouTube into their existing Web sites. For example, courts could replicate the self-help center Web sites available in Illinois. These Web sites, which include a video welcome from each jurisdiction’s chief judge, were developed through a partnership between the courts and their access-to-justice partners, including Illinois Legal Aid Online and the Illinois Coalition of Equal Justice. When these sites were initially developed, online visual-media-sharing sites had not been widely adopted, and Illinois Legal Aid Online developed their own platform to stream the videos. Now courts could develop these types of initiatives much more quickly and cheaply by using YouTube instead.
Implementing Social-Media Projects
Implementing a social-media initiative requires five steps: establish a goal, pick a tool, pilot the project, evaluate success, and revise and repeat.

Establish a Goal
A court should identify a small task or goal to experiment with—perhaps increasing participation in a legal clinic or educating individuals about filling out a set of family-law forms. Creating a small, simple, and measurable goal for a social-media effort reduces implementation time, makes evaluation of its success easier, and allows a court to modify their effort based on evaluation feedback faster.

Pick a Tool
Once a goal has been established, a court should select the tool or tools it will use. Do not assume that everyone is on Facebook. Doing some preliminary data gathering can ensure that the tools selected are appropriate to the targeted population. A court might gather data by asking self-represented litigants what social-media tools they use and how often they use them, as well as if they used online tools before coming to court, and if so, what tools they used. This information will help the court identify the social-media tools that their customers use and the tools the court should consider using. Courts that are just beginning to use social media would be wise to limit the number of different tools they use until they have more experience with social media.

Pilot the Project
After a court knows what it wants to accomplish and the tool that it will use, the project is ready to begin. Creating a Facebook page, Twitter account, or YouTube channel is relatively easy, as is posting content.

Social media simply allow courts to conduct outreach programs online and to reach the public where they are already congregating, leveraging the limited resources courts have to support self-represented litigants and increasing access to justice.

Choosing the appropriate person to staff the project deserves some thought. Posting content and responding to questions and comments requires someone who has knowledge of court policies, who can be trusted to represent the court in a professional manner, and who understands the needs of self-represented litigants. This role can be contracted out, but it is often more effective if performed by court staff.

Courts should consider current personnel who use social media personally as a great resource. Comfort with social media will reduce the overall learning curve and may provide an avenue of professional growth.

Whether or not staff are comfortable with social media, a policy should be established that clearly articulates the parameters for posting content and dealing with both positive and negative feedback posted by the public. Resources and example policies are available on the Social Media and the Courts Resource Guide on the NCSC Web site.

Courts should also draft a process for when and how to respond to positive and negative comments. The U.S. Air Force has developed an excellent example, the Air Force Web Posting Response Assessment, that courts can model their own process on.

Evaluate Success
As a court pilots its initiative, data should be gathered to evaluate its success. The evaluation of a social-media effort does not need to be formal or expensive; simple quantitative data can be gathered online rather easily. Metrics should be comprehensive enough to guide future social-media use. Social-media efforts lend themselves to an iterative evaluation process, meaning that regular and consistent evaluation can inform social-media projects regularly and on a shortened cycle—weeks rather than months.

Revise and Repeat
After the initial social-media effort is evaluated, a court can decide if additional effort is warranted or if changes need to be made. Perhaps evaluation data suggest that self-represented litigants using social media are not interested in domestic-
violence materials. A court might revise their project to publicize its foreclosure resources instead. Revising social-media efforts to reflect fluctuating needs and expectations represents a long-term benefit to courts, enhancing their ability to be responsive to an ever-changing environment.

Conclusion
Using social media to support self-represented litigants may be a new trend for courts, but educating self-represented litigants about the legal system is not. As early as the 1994-1995 edition, the Report on Trends in State Courts covered court outreach programs. Social media simply allow courts to conduct those outreach programs online and to reach the public where they are already congregating, leveraging the limited resources courts have to support the self-represented and increasing access to justice.

ENDNOTES

1 A list of courts that are using Twitter is available at http://twitter.com/accesstojustice/courts-court-self-help. To be added to this list, contact technolablog@gmail.com or @accesstojustice on Twitter.

2 A list of the self-help center Web sites is available at www.illinoislegalaid.org/index.cfm?fuseaction=directory.selfHelpCenterList


RESOURCES


