

Jury Instructions: Juror Use of Social Media

by

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- Judicial Conference of the United States Committee on Court Administration and Case Management, Memo, *Juror Use of Communication Technologies*, Jan. 28, 2010, available at <http://federalevidence.com/downloads/blog/2010/Memorandum.On.Juror.Use.Of.Electronic.Communication.Technologies.pdf>.
- The Judicial Conference's model instructions, entitled *The Use of Electronic Technology to Conduct Research on or Communicate about a Case*, provide as follows:

Before Trial:

You, as jurors, must decide this case based solely on the evidence presented here within the four walls of this courtroom. This means that during the trial you must not conduct any independent research about this case, the matters in the case, and the individuals or corporations involved in the case. In other words, you should not consult dictionaries or reference materials, search the internet, websites, blogs, or use any other electronic tools to obtain information about this case or to help you decide the case. Please do not try to find out information from any source outside the confines of this courtroom.

Until you retire to deliberate, you may not discuss this case with anyone, even your fellow jurors. After you retire to deliberate, you may begin discussing the case with your fellow jurors, but you cannot discuss the case with anyone else until you have returned a verdict and the case is at an end. I hope that for all of you this case is interesting and noteworthy. I know that many of you use cell phones, Blackberries, the internet and other tools of technology. You also must not talk to anyone 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, through any internet chat room, or by way of any other social networking websites, including Facebook, My Space, LinkedIn, and YouTube.

At the Close of the Case:

During your deliberations, you must not communicate with or provide any information to anyone by any means about this case. You may not use any electronic device or media, such as a telephone, cell phone, smart phone, iPhone, Blackberry or computer; the internet, any internet service, or any text or instant messaging service; or any internet chat room, blog, or website such as Facebook, My Space, LinkedIn, YouTube or Twitter, to communicate to anyone any information about this case or to conduct any research about this case until I accept your verdict.

- Blog Law Online, *Juror Use of Social Media: A State-by State Guide*, Posted on Feb. 15, 2010 by Eric P. Robertson, available at <http://bloglawonline.blogspot.com/2010/02/juror-use-of-social-media-state-by.html>.

- John Eligon, “An Astor Juror Says Her Fear Dictated Vote”, New York Times, February 21, 2010, <http://www.nytimes.com/2010/02/22/nyregion/22astor.html?scp=1&sq=astor%20email%20juror&st=cse> (jurors send nearly 60 e-mail messages amongst themselves “that showed them orchestrating how to portray the deliberations”).