

Social Media Activity



The Judicial Qualifications
Commission of Georgia

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Social Media and the CJC

CJC Preamble [2]:

The judge is an arbiter of facts and law for the resolution of disputes and a highly visible symbol of government under the rule of law. Judges should avoid both impropriety and the appearance of impropriety in their professional and personal lives. They should at all times exhibit behavior that ensures the greatest possible public confidence in their independence, impartiality, integrity, and competence. As a result, judges should be held to a higher standard and should conduct themselves with the dignity accorded their esteemed position



CJC Provisions to Consider

CJC Canon 1:

- Judges shall uphold the independence, integrity, and impartiality of the judiciary and shall avoid impropriety and the appearance of impropriety in all of their activities

CJC Rule 1.2 (A):

- Judges shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary

CJC Rule 1.3:

- Judges shall not lend the prestige of their office to advance the private interests of the judge or others



CJC Provisions to Consider

CJC Canon 1 Commentary:

- **[2]**: Public confidence in the judiciary is eroded by irresponsible or improper conduct of judges. Judges must expect to be the subject of constant public scrutiny, and must therefore accept restrictions on their conduct that might be viewed as burdensome by the ordinary citizen
- **[3]**: The test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the judge's ability to carry out judicial responsibilities with integrity, impartiality, and competence is impaired



CJC Provisions to Consider

CJC Rule 2.10 (A):

- Judges shall not make, on any pending proceeding or impending matter in any court, any public comment that might reasonably be expected to affect its outcome or impair its fairness
- “Pending proceeding” is a proceeding that has commenced. A matter continues to be pending through any appellate process until the final disposition
- “Impending matter” is a matter or judicial proceeding that is imminent or expected to occur in the near future



CJC Provisions to Consider

CJC Rule 3.7 (A):

- Judges may engage in activities concerning the law, the legal system, and the administration of justice, provided that doing so will not interfere with the performance of official duties or cast doubt on their capacity to impartially decide any issue

CJC Rule 3.7 (A)(3):

- Judges may assist organizations in raising funds...but shall not personally solicit funds during fundraising activities



CJC Provisions to Consider

CJC Rule 3.7 (B):

- Judges may participate in educational, religious, charitable, fraternal, or civic activities that do not reflect adversely upon their impartiality or interfere with the performance of their official duties

CJC Rule 3.7 (B)(2):

- Judges shall not personally solicit funds for any educational, religious, charitable, fraternal, or civic organization, or use or permit the use of the prestige of their office for that purpose...



CJC Provisions to Consider

CJC Rule 4.1 (A)(2):

- A judge or judicial candidate for public election to judicial office shall not...publicly endorse another candidate for public office



Common JQC Issues

- Judges posting or commenting about cases on social media in violation of CJC Rules 1.2 (A) and/or 2.10 (A)
 - Cases which are in front of the judge
 - Cases which may come before the judge
- Judges posting or commenting about issues likely to come before him/her in violation of CJC Rule 1.2 (A)
- Judges posting or commenting about political or polarizing issues in violation of CJC Rule 1.2 (A)
- Judges Posting or commenting about endorsing another candidate for public office in violation of CJC Rule 4.1 (A)(2)



General Considerations

- A potentially greater reach in terms of publicity and/or amplification
- Greater permanence of statements, comments, pictures
- Implications of relatively small and/or casual actions, such as “liking,” “disliking,” and “sharing” information presented by others

Best Practices

Ensure that you understand the privacy settings for each social media platform you use

Be mindful of who you friend/follow and of the things you “like,” “dislike,” or “share”

Assume everything you say/post/tweet/live-stream will become public

Exercise vigil and caution to ensure that your social media conduct is compliant with the CJC

Summary

Judges should act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, including when using social media

Judges must expect to be the subject of constant public scrutiny

Judges shall not lend the prestige of their office to advance the private interests of the judge or others

Judges shall not make any public comment that might reasonably be expected to affect an outcome or impair the fairness of any pending or impending matter

Judges shall not use social media to personally solicit funds for fundraisers

Judges shall not use social media to endorse other candidates for public office