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Social Media and the Courts - The Balance Between Open Justice and the Administration of Justice

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Social Media And The Courts – The Balance Between Open Justice And The Administration Of Justice

"In facing the reality of the modern communications revolution, it is crucial that we understand the technology and how it is being used — something lawyers and judges, often castigated as Luddites, may not find easy."

Background

The widespread and pervasive use of social media in Australian society is increasing pressure on courts and tribunals to develop social media policies. Inconsistency in social media practices across the sector leads to the risk that courts may behave reactively and adopt unsuitable practices. Policies and protocols need to be developed to achieve the objective of open justice and due administration of justice.

The Media

Who gets to tweet from/about courts?
Redefining ‘who is a journalist’ in social media terms:
- Regular court reporters
- Other mainstream media journalists
- Bloggers
- Other PDA users?

How Can Twitter Facilitate Open Justice?
- Information distributed in real time
- Reliable and legally appropriate information

Main Issues
- Social media policies are now commonplace
- Courts are different from other institutions but they work within the same social media landscape
- Communications departments in Australian courts < 20 years old
- Research shows there are no ‘live tweeting’ standards for media
- Two separate issues to be addressed
  1. Courts’ use of SM
  2. Media use of SM in covering courts

Proposal

International research – how courts are managing the implementation of social media usage within their own environments

- International research - how the news media are using social media in reporting practices
- Broad-based investigation into social media practices within a range of organisations including the police services and public sector

- 1. Best-practice examples
- 2. Resourcing options relating to the adoption of social media policies
- 3. Ascertain trends in social media and where it is heading

Innovation

Investigation within Australian courts
Use of social media by court and media reporting on court proceedings
Develop comprehensive policy framework

Outcome

Document for judiciary
Template for court SM strategies
Template for media use of SM

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