



Judges and Social Media

(Examples, Awareness & Guidelines)

EJTN's Lunchtime Webinar
September 9, 2021

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Judges and Social Media

- Facebook, Twitter, Instagram
- Standards of social contacts of judges
- FB friend with a lawyer/police officer/social worker who appears or could appear before the judge?
- Posts on FB, Twitter, Instagram (photos!)
- LinkedIn - professional network
- Judge posts a photo of going into the sea
- Judge posts a photo taken at the party while making toast with the wine
- Profile picture shows legs under the knee and displays feet in high heeled shoes
- Judge likes the statement of a politician
- Judge posts a picture on FB of the new car that he bought
- Judge posts an outfit on Instagram that she will be wearing at a colleague's wedding

Judges and Social Media

- Guidelines:
 - Difference between SM and „face-to-face“ contacts?
 - 1 : 1, 1 : few thousand
 - Awareness of the fact that the post on social networks remains permanently recorded
 - Judge must preserve the dignity of the court, judiciary and its own reputation in all his/her contacts
 - He/she must not jeopardise the independence, impartially and public trust
 - Judge should not „be friends“ with persons or organisations if this could create the appearance of the influence on judge's rulings

Judges and Social Media

- Guidelines:
 - judge must avoid posts or relationships that could be considered as *ex parte* communication in a Court case (witness?)
 - every post or communication could be used by the parties of the proceedings
 - every post or „Profile information“, which may be unpleasant if made public, can be transmitted electronically without judge's knowledge or consent to persons unknown to the judge, or other persons to whom it was not intended
 - Content of the post could be misintrepreted and lead to harmful consequences (Üçdag v. Turkey, app. no. 23314/19)

Judges and Social Media



- Judge should not:
 - be FB friend with the person involved in the proceedings conducted by the judge in question (appearance of inappropriateness)
 - post comments, opinions, „statuses“ on pending cases
 - post political comments, opinions and „statuses“
 - post personal and private content which could be unpleasant

Judges and Social Media

- Guidelines:
 - Judge should refrain from private posts; when posting any content he/she should take into account:
 - nature of SM - if the profile is more personal, a third person might be under the impression that „friends“ on judge's list could influence him/her
 - number of friends - when the number of friends is increased, there is less possibility to assume that a judge could be influenced by his/her „friends“
 - who are „friends“ and what they do (scope of circle and their occupations)
 - how often „friends“ appear before the judge
 - Inform the parties in the proceedings
 - Two accounts; professional and private/privacy settings

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- To conclude:
 - Judge cannot be isolated from the society and should have the possibility of social interaction
 - Judge within the court and outside of the court always must:
 - preserve and promote independence and impartiality (his own and of the judiciary)
 - avoid indecency and inappropriateness
 - never comment on pending proceedings

Judges and Social Media

- Social networks are different form of communication than face-to-face communication
 - Everything that has been written will eventually be seen and read by someone
 - Protect your personal data
 - Be careful who is your „friend“, who and what you „like“ or „support“
 - Do not search parties and other stakeholders in the proceedings.
 - Avoid political and commercial comments
 - Keep track and adjust your appearance and visibility on network
 - Use SM to educate your family, friends and public
 - Follow up the developments of social media
- In case you wonder whether something is inappropriate, then most probably it is inappropriate.



Thank you

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