

LAWYER

THE HILLSBOROUGH COUNTY BAR ASSOCIATION
TAMPA, FLORIDA | SUMMER 2018 | VOL. 28, NO. 6





Social media is now a key tool for government and related organizations to communicate with the public they serve, but it presents special challenges for courts. Courts must ensure public records compliance, First Amendment protections, and importantly, impartiality (both in appearance and in fact).

The Florida State Courts System is widely recognized for its public engagement, which can be traced back to the tenure of Florida Supreme Court Chief Justice Charles T. Wells. In the aftermath of *Bush v. Gore*, a series of anthrax scares at government buildings, and the September 11, 2001 terrorist attacks, Justice Wells established a commission to examine how Florida courts communicate with the public and deal with crisis.¹ The commission recommended creating a statewide group of court communication professionals.² With funding from the Florida Bar Foundation, the Florida Court Public Information Officers (FCPIO) organization was created.³ Earlier this year, the FCPIO recognized Justice Wells with an award for his leadership in developing Florida courts' public media strategies.

Jo Haynes, Marshal at the Second District Court of Appeal, attributes current court media operations to Justice Wells and the

court public information professionals throughout the state. "For those of us who also serve in many other roles, the assistance of the Florida Supreme Court's public information office that Chief Justice Wells created has been invaluable. Their initial work made it easy for us to follow."

Ms. Haynes explains that the Second DCA's social media presence began in limited fashion after realizing that Facebook had generated an incorrect "location" for the Second DCA. The court initially started its own page with the correct location to correct the misinformation. Only recently has the court begun actively posting through its "verified" Facebook page.

Facebook is reserved for "softer" court news. Recent posts include Judge Atkinson's first oral argument panel and the court's "traveling" oral arguments held in Ft. Myers and Dade City. Practitioners often tag themselves on Facebook at the court when they appear for oral argument.

The Second DCA largely uses Twitter for more time-sensitive messages. In 2017, its Twitter feed was instrumental in notifying the public about outages and court



**"In this age of e-everything,
fast delivery of
(time-sensitive) news
is critical for managing
work and deadlines."
— Second District Clerk
Mary Beth Kuenzel**

closures during hurricanes. Second DCA Clerk Mary Beth Kuenzel explains, "Twitter allows us to instantly communicate with our practitioners about problems with court technology. In this age of e-everything, fast delivery of such news is critical for managing work and deadlines." The court also tweets about the issuance of written opinions.

One challenge is moderating the public's contributions to the court's social media pages. Individuals may not create a new post on the court's page, but anyone can comment on a post. The Second DCA's Facebook page includes an "Impressum" that sets forth the rules of use and conduct, as well as the consequences when those rules are broken.⁴

But these rules are necessarily in flux. Recently, the Southern District of New York ruled that a public official — specifically, the President of the United States — does not have absolute discretion to "block" a person on Twitter, and can violate the First Amendment by doing so. This ruling, and those that will undoubtedly follow, will affect how government organizations like courts moderate their social media pages.⁵

Continued on page 23

Continued from page 22

Another challenge is broadening the court's audience on social media. The court is unwilling to "friend" or "follow" other users, an avoidance necessary to maintain its appearance of unqualified impartiality (the court only follows the four other districts on Twitter). So, the court greatly appreciates its current Twitter and Facebook followers, relying upon them to spread its news via likes, retweets, and shares.

If you would like to follow the Second DCA to get the most recent news, updates, and information, or to occasionally help "spread the news," its social media handles are:

Facebook: @2dca.flcourts

Twitter: @2dca_flcourts

You can also continue to get information from the court's soon-to-be-updated website at www.2dca.org. And if you're feeling old-fashioned, the Second DCA assures that phone calls remain as welcome as ever.

¹ See Robert Craig Waters, *Technological Transparency: Appellate Court and Media Relations after Bush v. Gore*, The Journal Of Appellate Practice & Process, Vol 9, No. 2, at 384 (Fall 2007), available at http://www.floridasupremecourt.org/pub_info/documents/2008_Bush_Gore_Article.pdf.

² *About Us*, Florida Court Public Information Officers, <http://www.fcpio.org/aboutus.shtml> (last visited May 26, 2018).

³ *Id.*

⁴ Florida Second District Court of Appeal, *Impressum*, Facebook (May 26, 2018), <https://www.facebook.com/pg/2dca.flcourts/about>.

⁵ Order, Knight First Amendment Institute at Columbia University v. Donald J. Trump, Case 1:17-cv-05205-NRB (S.D.N.Y. May 23, 2018) (available at <https://knightcolumbia.org/sites/default/files/content/Cases/Twitter/2018.05.23%20Order%20on%20motions%20for%20summary%20judgment.pdf>).



Author: Jared M. Krukar –
DPW Legal



WELCOME NEW HCBA MEMBERS

APRIL / MAY 2018

Charlotte Ford Abington	Damien M. Hoffman
Brittany Armstrong	Harold Houck
Jillian M. Askren	Jessica Lee Hoyer
Brian P. Battaglia	Sarah Jonas
Jennifer Beatty	Yusuf A. Khoudmi
Jacob Boehner	Christopher LaFrance
Rainey C. Booth	Benjamin Michael Lagos
Alice Boulosa	Andre J. Lama
Peter Carl Bradshaw III	Jason Steven Lambert
Christopher S. Cervellra	Nicholas Langenkamp
Pamela Cichon	Angela Leiner
Vincent A. Citro	J. Scott McMahon
Bethany Connelly	Megan Montagno
Christie Coston	Sasha Moore
Nathan R. Cox	Thomas K. Morrison
Ashleigh Creed	William P. Murray III
Brian Cummings	ChizomJ. Okebugwu
Wiline Justilien Davis	Joseph Picone
Elana M. Denmark	Courtnee C. Reid
Gerard P. Duignan	Kurt Jairo Rosales
Colette Duke	Jamie A. Rozzi
Ryan M. Edmiston	Todd Aaron Sauer
Jennifer N. Edwards	Gabriel Dean Schurman
Kasey A. Feltner	Kirsten E. Skokos
Sean Flynn	Camilo Soto
Khalila Frett	Ed Spinks
Kris D. Galloway	Brien V. Squires
Deborah A. Getzoff	Alan Stewart
James W. Goodwin III	Jennifer Strouf
Portia Gray	Dennis C. Townsend II
Elisabeth J. Hagood	Carla Walters
Daniel Hernandez	Iris E. Weller
Sarah A. Hoerber	Nicole E. Zaworska