Canadian Institute for the Administration of Justice

Use of Social Media by Judges
Justice Fran Kiteley
October 16, 2019
Personal and Professional Use of Social Media by Judges

“Personal Use”

“Professional Use”
Social Media Usage by Canadians

- **84%** OF ONLINE CANADIAN ADULTS HAVE A Facebook ACCOUNT
- **37%** OF ONLINE CANADIAN ADULTS HAVE A Instagram ACCOUNT
- **59%** OF ONLINE CANADIAN ADULTS HAVE A YouTube ACCOUNT
- **46%** OF ONLINE CANADIAN ADULTS HAVE A LinkedIn ACCOUNT
- **38%** OF ONLINE CANADIAN ADULTS HAVE A Pinterest ACCOUNT
Use of Twitter

A report by the Social Media Lab at Ryerson University (an interdisciplinary research laboratory) confirmed that 42% of Canadian adults who use the internet have a Twitter account.
Begin with short clicker survey of the audience

CIAJ categories of attendees, modified:

- Academics
- Lawyers (private, public, corporate)
- Members of Administrative Tribunals
- Federally and Provincially appointed judges
Clicker question #1

Should Academics use social media for personal and professional purposes?
Clicker Question #2

Should Lawyers (private, public, corporate) use social media for personal and professional purposes?

Yes

No
Clicker Question #3

Should *full-time* members of Tribunals use social media for personal and professional purposes?

Yes
No
Clicker Question #4

Should federally and provincially appointed judges use social media for personal purposes?

Yes
No
Clicker Question #5

Should federally and provincially appointed judges use media for professional purposes?

Yes
No
THE USE OF SOCIAL MEDIA BY CANADIAN JUDICIAL OFFICERS

A Discussion Paper of the Canadian Centre for Court Technology
CCCT Findings

• “judicial officers”
• 678 respondents (474 English, 204 French)
• 227 federally-appointed judges
• Mean age for federally-appointed judges was 62 years old
• 48% of Canadian judicial officers visit or contribute to social media sites in a personal or professional capacity, to some small extent compared to then 67% of general Canadian population.
CCCT findings cont’d

• Judicial officers do not visit social media websites as frequently as the general population: 54% of Canadians log onto Facebook at least once every month while only 23% of judicial officers reported doing so

• Usage was largely personal
CCCT Recommendations

• All judicial officers have a duty to ensure that they understand the advantages, disadvantages and risks of the use of social media in personal and professional contexts and conduct themselves accordingly.

• Existing policies, principles, codes of conduct or guidelines are inadequate to respond to that duty.

• Until such time as more guidance is provided, judicial officers should use social media with caution, keeping in mind the above principles.
Canadian Judicial Council announced intention to update the Ethical Principles for Judges spring 2019

On 6 major issues the CJC conducted a survey to which over 1000 responses were received
The Majority of Respondents agreed:

that judges should not identify themselves as judges on social media and should not use social media to “like”, “friend” or “share” posts about matters that could come before the court, could generate negative debate (political or other), or could be the subject of controversy
Ontario Superior Court Judges Association Survey and Report to the Canadian Judicial Council

• 176 judges participated in survey; 43% appointed within 5 years
• 43% engage on social media platform
• Broadly speaking, support for personal use & much less for professional use
• Tweeting judges
• Clear guidelines are needed
• Support for institutional use to educate the public
THE GREAT DEBATE

For judges, the advantages of using social media outweigh the risks

In Favour: Justice Fran Kiteley
Opposed: Justice Peter Lauwers
Clicker Question #6

For judges, the advantages of using social media outweigh the risks

Yes

No