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Revised Jury Instructions Hope to Deter Juror Use of Social Media During Trial

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(August 21, 2012)

A Judicial Conference Committee has updated the [model set of jury instructions](#) (pdf) federal judges use to deter jurors from using social media to research or communicate about cases on which they serve. The new guidelines provide detailed explanations of the consequences of social media use during a trial, along with recommendations for repeated reminders of the ban on social media usage.

The update comes in response to a national survey of federal trial judges by the Federal Judicial Center at the request of the Conference Committee on Court Administration and Case Management (CACM).

"The overwhelming majority of judges take steps to warn jurors not to use social media during trial, but the judges surveyed said additional steps should be taken," said Judge Julie A. Robinson, CACM Committee chair.

"The judges recommended that jurors frequently be reminded about the prohibition on social media before the trial, at the close of a case, at the end of each day before jurors return home, and other times, as appropriate. Jurors should be told why refraining from use of social media promotes a fair trial. Finally, jurors should know the consequences of violations during trial, such as mistrial and wasted time. Those recommendations are now part of the guidelines."



Jury receives instructions on use of social media during trial.

The [FJC study](#) (pdf) also found that when juror use of social media was detected, it was most often through the report of a fellow juror. So the updated instructions to jurors by the presiding judge now pointedly note, "You can only discuss the case in the jury room with your fellow jurors during deliberations. I expect you will inform me as soon as you become aware of another juror's violation of these instructions."

Along with the guidelines, trial judges are provided with a poster stressing the importance of jurors making decisions based on information presented only in the courtroom. The poster is designed to be displayed in the jury deliberation room or other areas where jurors congregate.

"The Committee believes that the more frequently jurors are reminded of the prohibition on social media, whether the reminders are visually or orally given, the more likely they are to refrain from social media use during trial and deliberations," said Robinson.

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