

# Michigan Trial Court Standards and Guidelines for Websites and Social Media

Produced by the  
**Michigan Supreme Court**  
State Court Administrative Office  
in conjunction with the Technology Implementation Committee

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## **Preface**

These standards and guidelines presume that a trial court is knowledgeable about websites and the types of social media and the typical uses of this technology and understands the terms and conditions of service in using this technology. If a trial court is considering launching a website or social media site and is not knowledgeable about this technology, it is highly recommended that the court familiarize itself with the details before proceeding. References are provided in this document to assist with this. In establishing website and social media policies and procedures, a trial court shall also collaborate with its information technology (IT) department or relevant staff. Equipment and technology standards and guidelines are not included; thus, a court should consult with its respective IT department about these details before launching a site.

These standards and guidelines also presume that a trial court has adopted a code of conduct for its employees. If a trial court does not have a code of conduct, it must adopt one before it launches a social media website. A model code of conduct for trial courts is available at <http://courts.mi.gov/education/mji/Resources/Documents/ModelCodeConductAllStaff.pdf>.

This document contains three sections. Section 1 sets forth statewide policy and minimum standards and guidelines a trial court must observe in designing and maintaining a trial court website. Section 2 sets forth statewide policy and minimum standards and guidelines a trial court must observe in designing, maintaining, and using a social media site. Section 3 is a guide intended to assist a trial court to develop its own social media use policy and procedures for its trial court employees, and for contractual employees who have signed a computer acceptable use agreement. Section 3 does not necessarily apply to judges, but in the absence of specific statewide standards and guidelines, a trial court may choose to adapt them for that purpose through collaboration with the entire bench.

## **Introduction**

The judiciary should seek to meet the public's growing expectation of the trial court communicating directly with the public, while preserving fairness and judicial impartiality. To that end, trial courts should be proactive in effectively informing the public about the justice system and must develop constructive strategies to communicate with the community through approved types of social media. These standards and guidelines are established to guide trial courts that are considering launching trial court websites and social media sites in response to this growing expectation.

Norman Meyer, in his article "*Social Media and the Courts: Innovative Tools or Dangerous Fad? A Practical Guide for Court Administrators*,"<sup>1</sup> indicates that "[t]he widespread use of, and expectations regarding, mobile computing and social media by the public make it increasingly

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<sup>1</sup> Norman H. Meyer, Jr., Clerk of Court, United State Bankruptcy Court for the District of New Mexico since 2001 (<http://nmb.uscourts.gov/>), 500 Gold Avenue SW, Albuquerque, NM, 87102, USA, Telephone: 1-505-348-2450, Fax: 1-505-348-2445, <http://www.iaca.ws/norman-meyer.html>.

imperative that courts not only pay attention to these phenomena, but also take advantage of social media opportunities to better meet the needs of the consumers of court services (litigants, attorneys, witnesses, jurors, news media, other government agencies, etc.)...”

Meyer further urges the judiciary to understand “how social media fit into the traditional nature of how courts function.” He contrasts three characteristics of social media with the basic characteristics of the judiciary. Social media are: 1) decentralized and multidirectional, 2) personal and intimate, and 3) multimedia. The judiciary, on the other hand, is institutional and unidirectional, 2) separate and distant, and 3) highly textual. Meyer suggests that these contrasting characteristics present a challenge to the courts to respond to the reality of new media by resolving this “inherent incompatibility between the two cultures.” He further suggests that “it is imperative that courts proactively step into the new technological world to effectively inform the public about the justice system . . . ‘When controversies erupt around a court decision it offers opportunities to engage in, or inform that discussion.’<sup>2</sup>”

"Social media and the immediate access to and transmission of information have changed virtually every aspect of our lives," says Michigan Supreme Court Chief Justice Robert P. Young, Jr. "For the judiciary to maximize the positive impact of this transformation, courts must be in the forefront, taking advantage of new ways to communicate, increasing public access, and improving service to the public by providing timely and accurate information."

Even with this recognition that social media is the customary mode by which the public communicates, these standards should not be viewed as promoting two-way communication through court social media sites.

In light of these expectations and because the potential audience can be anyone, trial courts must exercise care in selecting which social media platforms to use, what content will be published, and who will represent official court policy with regard to each social media platform. In developing policies and procedures, the following concerns should be addressed even though most of them pertain to use of social media by individuals outside the trial court’s direct control:

### **1. Issues and Concerns Regarding Control and Use**

- increased risk for invasion of privacy
- marginalizing those who don’t use social media
- proliferating defamatory statements
- public expectations
- central control of court communications and existing policies for communication

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<sup>2</sup> “Trial by Tweet? Findings on Facebook? Social Media Innovation or Degradation? The Future and Challenge of Change for Courts.” By Dr. Pamela D Schulz and Dr. Andrew J Cannon, *International Journal for Court Administration*, February 2013, pages 1-2 . . . 5; <http://www.iaca.ws/ijca-vol.-5-no.-1.html>

**2. Issues and Concerns Regarding Information Sources**

- difficulty in ascertaining ownership or locating origin of users and contributors
- lack of verification, authenticity, and credibility

**3. Issues and Concerns Regarding Court Process and Outcomes**

- using social media to communicate court decisions
- using social media in the court process

**Section 1: Standards and Guidelines for Trial Court Websites**

These standards and guidelines are established to assist trial courts in designing, maintaining, and/or evaluating trial court websites with respect to administration, maintenance, and content. Because of the diversity of the trial courts (i.e., services provided, staffing, available resources), changing demands, and constantly evolving technology, some standards may have limited application. In addition, as with all standards or guidelines, periodic updates will be necessary.

**A. Policy**

1. Trial court websites shall be designed with several goals in mind:
  - a. To provide public information and services to the general public, legal community, and litigants in an efficient, timely, and easily accessible manner.
  - b. To maximize the quality, objectivity, utility, and integrity of public information and services provided to the general public, legal community, and litigants.
  - c. To enhance customer service, accessibility, and public trust and confidence in the judiciary.
2. If a trial court establishes a website, it shall be used only for direct, noneditorial information and services. It shall not be used for:
  - a. Editorial opinions unrelated to the administration of justice.
  - b. As a political forum.
  - c. Legal advice.
  - d. Obscene, profane, defamatory, or offensive material.
  - e. Material that violates local, state, or federal laws; Michigan Court Rules; Michigan Code of Judicial Conduct; or Model Code of Conduct for Michigan Court Employees.

**B. Administration**

**Mandated Standards:** The trial court shall have a written policy that clearly identifies and defines the roles and responsibilities of the various personnel involved in oversight of a trial court website. For purposes of these standards and guidelines, personnel refers to all individuals associated with handling a court's website (including, but not limited to, employees, contract workers, funding unit employees, volunteers, and interns).

The policy shall adhere to the trial court's local computer acceptable use policy. If it does not have a computer acceptable use policy it can use the policy issued by the State Court Administrative Office, which is available from Judicial Information Systems by contacting [jis@courts.mi.gov](mailto:jis@courts.mi.gov).

At a minimum, the court shall designate individual(s) who have primary responsibility for:

- Oversight of website design and legitimacy of content.
- Content management.

**Recommendations:** The trial court should hold meetings at least annually with these personnel to review and update their roles, responsibilities, and oversight processes.

### C. Maintenance

**Mandated Standards:** The trial court shall establish policies and procedures with regard to security, accessibility, and content management.

- 1. Security:** Security controls shall be in place to ensure confidential information is not disclosed, information is resistant to tampering to preserve accuracy of content, and information/service is available as intended by the court and expected by the users.
- 2. Access:** Web pages shall comply with ADA requirements (Section 508 of the Rehabilitation Act [29 U.S.C. 794d]).<sup>3</sup> In attempting to meet these requirements, courts should review guidelines developed by the Web Accessibility Initiative at <http://www.w3.org/WAI/>. Trial court websites shall conform to the state of Michigan requirement that all website content and applications meet Conformance Level "A" Priority 1 checkpoints. See the Checklist of Checkpoints for Web Content Accessibility Guidelines 1.0 at <http://www.w3.org/TR/WCAG10/full-checklist.html>.
- 3. Content Management:**
  - a. The court shall designate an individual, or individuals, who will have primary responsibility for:
    - Reviewing the accuracy and currency of static content.
    - Reviewing links to outside websites to ensure links remain active and continue to provide the information intended by the court and expected by the users.

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<sup>3</sup> The state of Michigan conforms with federal laws and policies relating to the Rehabilitation Act, Section 508 Electronic and Information Technology Accessibility Standards. Section 508 addresses various means of disseminating information, including computers, software, and electronic office equipment. It also applies to the Internet, Intranet, and World Wide Web. In addition, the state conforms to the World Wide Web Consortium (W3C) regarding ADA accessibility and compliance. See [http://www.michigan.gov/dtmb/0,1607,7-150-9131-170876--00.html#Electronic\\_and\\_Information\\_Technology](http://www.michigan.gov/dtmb/0,1607,7-150-9131-170876--00.html#Electronic_and_Information_Technology) for details.

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- b. Transmission, distribution, or storage of any material that is not solely owned by the trial court, or in the public domain, shall not be published without proper authorization.
- c. Content providers shall provide information to the content manager as to ownership of the content, the date content was created, when content should be taken down, etc.
- d. Material that is obscene, profane, defamatory, or offensive shall be immediately removed from the website without prior authorization of the content owner.

**Recommendations:**

**Content Management**

1. Content should be provided and posted in the following manner: a) a single point of contact that prepares and posts all content, b) various providers who prepare and post content based on areas of expertise, or c) a single point of contact who posts all content as prepared by providers based on areas of expertise.
2. Stakeholders (internal and external) should meet at least annually to discuss larger issues such as new content development and long-term planning.

**D. Web Content**

**Mandated Standards:** A trial court website shall contain the following minimum elements:

- Court name and/or court seal on every page that is linked to the home page.
- Contact information (i.e., name, e-mail address, phone number).
- Search function.
- Location, hours, and contact information.
- Sitemap.
- Privacy statement/disclaimer/policies/security. See SCAO Model in Appendix A.
- Method for website feedback.
- Link to Language Access at:  
<http://courts.mi.gov/self-help/interpreter/pages/default.aspx>.
- Link to Michigan Legal Help at:  
<http://www.michiganlegalhelp.org/>.
- Name and contact information of ADA coordinator.
- Grievance procedure for complaints under the ADA.
- Local language access plan (LAP) and name and contact information of LAP coordinator.
- Local administrative orders.
- List of persons authorized to seize property and conduct evictions.



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- List of approved bondsmen.
- If established pursuant to MCL 257.907, the schedule of civil fines, costs, and assessments to be imposed for civil infractions.
- Local court rules.
- External policies concerning the processing of cases.

**Recommendations:** A trial court website may contain the following elements:

- Individual directives and policies of the court's judges governing motion and trial practice, scheduling, courtroom etiquette, check-in, etc.
- Access to public information in a register of actions, except, all other public information in its case records may be provided through electronic means other than the website and only upon request. MCR 8.119(H)
- Case-related information, only as permitted by MCR 8.119(H).
- Links to outside websites. Any links shall be related to the court's functions or shall be necessary for the proper performance of a court function (i.e. other court sites, legislature, local and state bar associations, and state and local agencies).
- Listing of online services.
- Special services such as specialty courts.
- Forms. If SCAO forms are to be made available, the trial court shall link to the *One Court of Justice* website.
- Jury instructions and other information.
- Frequently asked questions.
- Employment opportunities.

## **Section 2: Standards and Guidelines for Trial Court Use of Social Media**

These standards and guidelines are established to prescribe statewide policy with regard to use of social media within the context of judicial business and to guide trial courts who are considering establishing one or more trial court social media sites. They comprise: 1) governance and controls, and 2) types of social media and their permitted uses.

### **A. Policy**

The judiciary may establish one or more trial court social media sites, in compliance with standards and guidelines prescribed by the State Court Administrative Office, to communicate through social media platforms, while preserving fairness and judicial impartiality. Social media platforms shall not replace traditional means of communication or court rule or statutory requirements. For example, if a court tweets an adjournment, it must still issue an order of adjournment as required by Michigan Court Rules.

### **B. Administration**

**Standards:** If a trial court employs social media for professional use within the judiciary, the court shall have a code of conduct for its employees and a written policy that clearly identifies and defines: 1) the goals of its trial court social media sites, 2) the roles and responsibilities of the various personnel involved in oversight and editorial control of each trial court social media site, and 3) the roles and responsibilities of other judicial employees who are using social media in the course of their work activity (see Section 3 on developing local policies and guidelines for judicial employees). For purposes of these standards and guidelines, personnel refers to all individuals associated with handling a court's social media (including, but not limited to, employees, contract workers, funding unit employees, volunteers, and interns).

The policy shall adhere to the court's local computer acceptable use policy. If it does not have a computer acceptable use policy it can use the policy issued by the State Court Administrative Office, which is available from Judicial Information Systems by contacting [jis@courts.mi.gov](mailto:jis@courts.mi.gov). After implemented, a court's policy shall be reviewed at least annually and updated as necessary.

A trial court shall comply with the following minimum requirements in establishing a policy and creating and maintaining a social media site:

1. Trial court judges and personnel using the trial court's social media site must adhere to the court's policy on acceptable use of computers, the Michigan Code of Judicial Conduct, and the court's code of conduct for its employees.
2. All proposals to create an official trial court social media site must be approved by the chief judge.

3. All proposals must follow style and content standards prescribed in Section 2, E.
4. Each social media site must have at least two account administrators, as designated by the chief judge, to provide backup in the event one of the administrators leaves employment with the court or is otherwise unavailable.
5. The chief judge shall have administrative access to each social media platform, including the account passwords.
6. The account administrator(s) shall have primary responsibility for oversight of design and legitimacy of social media content and for content management, including use of plain language and frequency of updates.

### **C. Maintenance**

**Mandated Standards:** If a trial court employs social media for professional use within the judiciary, it shall establish local policies and procedures that contain, at a minimum, the following elements:

1. **Social Media Platforms:** The court's policy shall state what social media platform is being used, for what purpose each platform is to be used by the court and its personnel, and the target audience of each platform. The policy shall be updated in this regard whenever the court changes any of its social media platforms. Within the restrictions prescribed in Section 2. D. Social Media Platforms, the policy must also state whether or not public comments and participation will be allowed, and if so, the parameters of that participation. This policy shall be stated in the terms of service of each social media platform. See Section 2, E.2. Style and Content.
2. **Security:** Security controls and provisions shall be in place to ensure confidential information is not disclosed, information is resistant to tampering to preserve accuracy and information/service is available as intended by the court and expected by the users.
3. **Content Management:**

The social media site administrator(s) designated by the trial court shall:

- a. Be responsible for creating, maintaining, and monitoring content on the respective social media site, engaging with users, and removing content that violates trial court website and social media standards. Care should be taken with regard to removing content that is posted by the public, because it can result in a violation of user rights.
- b. Avoid replicating content. Content that is posted outside the trial court portal sites should refer to or identify and link back to the original content.

- c. Refrain from posting content that violates city, state, or federal laws, and regulations.
- d. Use the official trial court-approved account when responding to constituent inquiries and postings. The administrator shall not use noncourt (personal) accounts to respond to inquiries or postings.
- e. Take care of inquiries or comments and post within a reasonable time frame, using professional conversational language.
- f. Do not comment on or post anything related to legal matters or litigation without appropriate approval.
- g. Do not use the trial court's name or graphical representation to endorse any view, product, private business, cause, or political candidate.
- h. Do not represent personal opinions as trial court-endorsed views or policies.
- i. Adhere to existing policy when the trial court's emergency management and notification system is activated. All content related to the emergency will be disseminated through accounts maintained by the emergency system.

#### **D. Social Media Platforms**

**Mandated Standards:** Trial courts are authorized to use only the following three types of social media platforms: 1) social networking, 2) microblogging, and 3) video sharing. Examples of the most common social networking, microblogging, and video sharing platforms are described in subsections 1 through 3, below; however, trial courts are not limited to these three brands. Trial courts are restricted to using these three types of social media platforms for the purposes prescribed in these standards. Also, for each of these three types of platforms, trial courts shall ensure that posting of comments is either disabled or set up for review and approval before the comments can appear on the social media site page.

1. **Facebook:** This social networking platform is used for publishing information to and interacting with court participants, other governmental agencies, news media, and the public at large. It can be used:
  - a. As a portal to guide users to the court's regular website.
  - b. To make available short- and long-term information about the court.
  - c. For community outreach, education, and interaction. This may include improving access to court services, soliciting input (surveys), and publicizing special events and volunteer opportunities.

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- d. As a tool for court staff to facilitate enforcement of court orders in areas such as collections; probation supervision; and child support, parenting-time, and custody investigations.
2. **Twitter:** This microblogging platform is used for real-time communication with appropriate target audiences, such as news media, jurors, and the emergency management and notification system. Comments from users shall not appear on the court's Twitter page. It can be used to supplement traditional communication channels and:
    - a. To post court/case updates in place of adding content to websites or sending e-mails.
    - b. To issue press releases.
    - c. To replace phone calls to and from the news media.
    - d. To tweet direct inquiries to the court's website for more extensive information.
    - e. To reduce the need for the physical presence of news media in high-profile hearings.
    - f. To notify jurors about the need to come to court for each day's jury service.
    - g. To communicate with jurors in the areas of qualifying and summoning.
    - h. To notify court staff, litigants, attorneys, other governmental agencies, etc. during emergency situations such as fire or flood and other circumstances that make the court unable to operate.
  3. **YouTube:** This video sharing platform is used for publishing information to and interacting with court participants, other governmental agencies, news media, and the public at large. It can be used:
    - a. To enhance the ability of outsiders to access digital court information.
    - b. As a portal to guide users to the court's regular website.
    - c. To supplement training of and information to court staff and users of court services, including self-help.

**E. Style and Content**

**Mandated Standards:** A trial court social media site shall comply with the following minimum requirements:

## **1. Appearance**

- The court name and/or court seal must be displayed at the page profile image.
- The username must clearly identify the court (i.e., [www.facebook.com/court](http://www.facebook.com/court), Twitter@court, and [www.youtube.com/court](http://www.youtube.com/court)).
- Contact information must be included (e-mail address or phone number).
- Official websites must be listed as part of the contact information.

## **2. Content**

- Each social media platform being used shall include a disclaimer and a terms-of-service statement. The terms-of-service statement shall state the policy regarding comments and the parameters for any participation that will be allowed. See the restrictions in Section 2, D.2. See also Section 2, C.1.
- Content must be relevant to the court, work, and activities within the court (news articles, video, photos).
- Content must contain links back to the court’s corresponding website when possible.
- Images and videos should be stored on the court’s website or other court-owned storage accounts, not on personal media storage accounts.
- A method for feedback shall be made available, when appropriate.

**Recommendations:** The following tips should be observed when posting content.

### **1. Facebook**

- Post a variety of content (information graphics, quotes, events, statistics, program highlights) rather than only links.
- List relevant state or county pages in your favorites section.
- When referencing programs or agencies on Facebook, use the @ symbol first to “tag” them in the update.
- Post regularly. Stagnant and dead accounts create a perception that the judiciary is unresponsive to the public.
- Post strategically to maximize potential readers. Multiple posts at one time increase the chance that your content will be unread by followers.

### **2. Twitter**

- Use relevant keywords to make your account easy to find.
- Use hashtags (#) where applicable to draw attention to events or resources.
- Retweet relevant information when appropriate. While comments from users are not to appear, court can retweet them after reviewing them first. See item D.2.
- When responding to inquiries, tweet the resolution for other customers.
- Tweet regularly. Stagnant and dead accounts reflect negatively on the court.

- Tweet strategically. Multiple posts at one time increase the chance that your content will be unread by followers. Consider using third-party applications that allow you to schedule posts in advance.
- Follow the Michigan Supreme Court's list and create individual lists for partners and topics to share.

### **3. YouTube**

- Dimensions: Background 1920 x 1500 banner up to 150 pixels.
- Videos must obey all copyright and licensing laws.
- Always provide a video description with official content link.
- Double-check thumbnail images for appropriateness.
- Add the Michigan Supreme Court's and other state of Michigan accounts to your list of favorites or featured accounts.

### **4. Generally**

Consider using third-party applications that allow you to schedule posts in advance. Third-party social media management applications are useful particularly in a busy court where the designated social media staff might find it useful to pre-schedule tweets or posts using a single application. Three popular applications are:

- **HootSuite** - A social media management system that helps brands streamline campaigns across social networks such as Twitter, Facebook, LinkedIn, and Google+ Pages. Teams can collaboratively monitor, engage, and measure the results of social campaigns from one secure, web-based dashboard.
- **TweetDeck** - A social media dashboard application for management of Twitter and Facebook accounts that enables users to send and receive tweets and view profiles. Unlike HootSuite, which operates within your Internet browser, TweetDeck can be installed as a separate program on your hard drive as a desktop application. For those who want the flexibility, apps for the iPhone, Android, and Chrome browser are also available. With TweetDeck, you can watch your updates stream in real-time
- **TwitterFeed** - A social media management utility that allows you to feed your content (for example, blog posts or any other content that supports RSS feeds) to Twitter, Facebook, and many other social networking platforms. It enables publishers to bring content to a wider audience and track the performance through real-time stats. Webmasters and bloggers can effortlessly update their social media accounts with new RSS feed posts by integrating TwitterFeed into their social accounts.

### **Section 3: Developing Local Policies and Guidelines for Judicial Employees**

#### **A. Introduction**

Social media can be a valuable tool for recruiting and developing employees; posting benefits information and other announcements; and for collecting, sharing, and disseminating information and data. However, even for court-related activity, the use of social media by judicial employees raises ethical, security, and privacy concerns for trial courts and trial court employees because of the ability to communicate immediately with large numbers of people with whom trial courts have limited ability to effectively control as to the use of that communication. Some concerns regarding trial court employee communications through the use of social media are:

- Participation in social media offers every trial court employee the opportunity to publish their thoughts even though those individuals may not be cautious about what they publish.
- User entries on blogs, wikis, or any other form of user-generated media can never truly be erased or deleted. The ability to preserve and replicate an Internet message or image for many years exacerbates the potential risks.
- Due to perceived anonymity, a trial court employee may engage in conduct online that the employee might refrain from in person, without understanding that online communications may be traced to a particular user.
- A trial court employee may not be fully aware of the ethical implications of social media given the relative newness of these online activities.

This guide is intended to help trial courts and judges develop trial court policies and guidelines for the court-related use of social media by their judicial employees (including contractual employees as appropriate) that comply with the court's local computer acceptable use policy, the Michigan Code of Judicial Conduct, and a court's code of conduct for its employees. If the court does not have a computer acceptable use policy, it can use the policy issued by the State Court Administrative Office, which is available from Judicial Information Systems by contacting [jis@courts.mi.gov](mailto:jis@courts.mi.gov).

**CAUTION: The court should consult with a labor attorney or its local human resources department when developing policies and guidelines for use of social media by its judicial employees.**

#### **B. Elements of Policies and Guidelines**

There are six elements that must be included in a trial court policy governing the work-related use of social media by judicial employees.

**Required Elements and Criteria:** The required elements and criteria to be included in a trial court's social media policies and guidelines for its employees are:



- Definition of Social Media
- Scope of Restrictions on Work-Related Use of Social Media
- Code of Conduct as it Relates to Work-Related Use of Social Media
- Identification With the Court
- Security of Personal and Confidential Information
- Use of Court Facilities and Equipment

### **1. Definition of Social Media**

**Required Criteria:** The guidelines must indicate which social media platforms are covered by the policy and guidelines.

**Considerations:** The kinds of social media platforms that might be used are potentially limitless. Therefore, the definition of social media needs to accommodate new modes of online media as well as existing media. A court may want to consider whether to exclude activities that are functionally equivalent to other forms of private communication, such as e-mail. Therefore, the court should incorporate, by reference, how the social media policy relates to the court's computer acceptable use policy, and any other court use policies. If it does not have a computer acceptable use policy it can use the policy issued by the State Court Administrative Office, which is available from Judicial Information Systems by contacting [jis@courts.mi.gov](mailto:jis@courts.mi.gov).

### **2. Scope of Restrictions on Work-Related Use of Social Media**

**Required Criteria:** The guidelines must indicate the restrictions to use of social media for work-related activity by an employee. Make sure this does not conflict with the trial court's computer acceptable use policy.

### **3. Code of Conduct as it Relates to Work-Related Use of Social Media**

**Required Criteria:** The policy must address the primary ethics concerns implicated under the trial court's code of conduct for its employees.

**Considerations:** Guidelines must be established so that ethics and security standards are maintained without restricting private employee conduct that does not impinge on the mission of the trial courts. Ethical constraints to consider are:

- Confidentiality.
- Avoiding impropriety in all conduct.
- Not lending the prestige of the office.
- Not detracting from the dignity of the court or reflecting adversely on the court.
- Not demonstrating special access to the court or favoritism.
- Not commenting on pending matters.

- Remaining within restrictions on fundraising.
- Not engaging in prohibited political activity.
- Avoiding association with issues that may be litigated or with organizations that frequently litigate.

#### **4. Identification with the Trial Court**

**Required Criteria:** The policy must indicate how judicial employees are to be identified with the trial court system.

#### **5. Security Concerns**

**Required Criteria:** The policy must indicate how it relates and conforms to the trial court's practices regarding personal security, such as the posting of photos that compromise trial court security or security of individual judicial officers or employees, or the posting of information through social networking that reveals confidential information about a judge or the court, such as a judge's location at a certain time.

#### **6. Use of Court Facilities and Equipment**

**Required Criteria:** The policy must indicate how it relates to the trial court's policy regarding proper use of court computer equipment and services, such as whether the policy will distinguish between activities that the employee performs using court computers or services and activities the employee performs not using court computers or services. The policy must also indicate whether use of court computer equipment and services to participate in the activity reveals an identification or association with the court, such as through a court's e-mail address.

## APPENDIX A

### Model Privacy Statement and Disclaimer for Trial Court Website

#### Terms of Use

The purpose of this website is to provide accurate and helpful information about [insert court name's] services and related activities. If you visit this site, you agree to these terms and policies. You may not use this site or any of its contents for any unlawful purpose. We may amend these terms and policies as needed.

Users may freely print any information that they obtain from this site. Permission to use documents from this site is granted provided that:

- [Name of court's] copyright notice or the copyright notice belonging to a third party must appear on all copies.
- You may not reproduce any trademark or servicemark displayed on this site without the express written permission of the respective mark owner.
- Use of documents from this server is for informational or personal use only.
- No modifications of any documents are made.

#### Privacy Statement

No personally identifiable information is collected about you unless you choose to provide that information to us. When you access this site, we may gather information in the following ways:

- **Information collected automatically.** When you view pages on this site, some of your information is automatically collected. This may include information about how you linked to the website, when you accessed our website, the searches you initiated, things you clicked on, your IP address, the type of browser and operating system you used, and the pages you requested and visited. This information may be used to improve the website.
- **Information voluntarily submitted.** The [name of court] (or our third-party vendors) may collect additional information if you voluntarily provide it (e.g., in connection with an online transaction). The type of information varies by transaction and may include: your name, address, phone number, e-mail address, social security or federal identification number, credit card number, driver license number, username, and password.

#### Use of Cookies

A cookie is a small piece of information that is saved on your computer when you visit a website. If your browser accepts cookies, we may use a cookie to determine if you are a repeat or new visitor, or to understand how you are using the website and how we can improve it. You can prevent your browser from accepting new cookies or disable cookies altogether.

## **Model Privacy Statement and Disclaimer for Trial Court Website (continued)**

### **Links Policy**

We provide links to other organizations and agencies on this site. These links are for informational purposes only. In providing these links, we do not endorse the content, products, services, or viewpoints of these external websites. Once you leave this site and link to an external website, [name of court] terms and policies no longer apply.

### **Security Policy** [optional]

In order to ensure that this service remains available to all users, the [name of court] employs software programs to monitor network traffic to identify unauthorized attempts to upload or change information or otherwise cause damage. Unauthorized attempts to upload information or change information on this service are strictly prohibited and may be subject to legal action.

### **Disclaimer**

The [name of court] is providing the information on this site as a public service. The information is updated frequently based upon the needs of our users. Although every effort is made to maintain accurate information on this site, the [name of court] does not guarantee the accuracy of the information. No warranty of any kind, implied, express or statutory, including but not limited to the warranties of noninfringement of third-party rights, title, merchantability, fitness for a particular purpose and freedom from computer virus, is given with respect to the contents of this site or links to other external resources. Use of this site is at your own risk, and the [name of the court] will not be liable for any damages whatsoever resulting from the use of the information available on the site. If you find any errors or omissions, we encourage you to report them to the web master via e-mail.

### **Choice of Law**

Construction of the policies and disclaimer above and any resolution of disputes are governed by the laws of the state of Michigan.

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