

What's Social Media Got to Do with It?

Every year when I convene North Carolina criminal defense investigators to plan their sessions for the annual spring public defender conference, I look forward to hearing about new ideas for sessions to include at the conference. They repeatedly request social media topics. The light bulb did not come on for me until I attended the 2017 National Defender Investigator Conference in April. After three full days of plenary and breakout sessions, I realized that social media and the internet are essential training topics.

Since I am a lightweight when it comes to social media, I had not given it a lot of thought when planning trainings. Besides, unlike the investigators, attorneys are not filling up their conference evaluations with ideas for social media topics. .

Like it or not, social media is everywhere. It is how many of us learn (firsthand or secondhand) of national and local events. Businesses, local governments, entertainers, and even the president of the United States use online social networks to disseminate information or leverage their social media presence.

Over the past several years, SOG faculty have produced written resources about social media, such as Michael Crowell's bulletin on [Judicial Ethics and Social Media](#) (Dec. 2015) and Jeff Welty's book on [Digital Evidence](#) (2015), which includes a chapter on the admissibility of electronic evidence. We also have included pertinent sessions in our training courses. Initially the focus was on ethical challenges. Attorneys should be aware of the boundaries when promoting their business or communicating with clients and witnesses. Judicial officials may be concerned about using social media to express their personal or political views on social media, or they want to learn how to avoid accidental ex-parte communications.

The need for education on social media is no longer limited to ethics. Social media has found its way into the courtroom. Opposing parties include social networking activity in discovery requests. Attorneys present personal information posted on social networking sites to defend cases and discredit parties in civil cases. Since social media may be a topic during litigation, attorneys and judicial officials should be familiar with the various types of social networking sites and the constant changes that occur in this realm. For example, Shannon Tufts, Associate Professor of Law and Government at the SOG, taught a session at the Department of Social Services Attorneys' 2016 winter conference titled Social Media: What's Out There? How are Client' Using It? She taught a similar session last year in May 2016 for the investigators at the Spring Public Defender and Investigator Conference. Professor Tufts explained how social networking sites (old and new) work and the shift in how different age groups utilize the various sites.

Social media is often significant in civil cases because family law or abuse, neglect and dependency proceedings, for example, are really about interpersonal relationships. People share a plethora of personal details about their lives. We can consult social media to learn instantly when a

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person has a migraine, proposes marriage, or is upset with their children or significant other. I admit I use social media to stay abreast of my young nieces and nephews' lives. I have watched them graduate school and raise their children. But, I digress, which also is easy to do when perusing online social networks.

Even if attorneys and judicial officials do not use online social networks personally, it is important that they are aware of the various social networking sites and understand how people utilize them. The world of social media is constantly changing, and they should be comfortable addressing social media issues in and out of the courtroom.

I look forward to hearing how social media impacts your civil cases. Please let us know how we at the School of Government can help you understand social media and the law.