

SOCIAL NETWORKING AND POTENTIAL VIOLATIONS OF THE NORTH CAROLINA CODE OF JUDICIAL CONDUCT

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CANON 1: A judge should uphold the integrity and independence of the judiciary.

- Undignified photographs, comments posted on the judge’s social network page, or undignified photographs, etc. of the judge posted by someone else on their page.

CANON 2: A judge should avoid impropriety in all the judge’s activities.

A. A judge should respect and comply with the law and should conduct himself/herself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

- Undignified photographs, comments.

B. A judge should not allow the judge’s family, social or other relationships to influence the judge’s judicial conduct or judgment.

- Appearance of influence created by individuals or organizations being listed as “friends” or “likes” or “fans” or “interests” of the judge or otherwise linked.
- Friends posting comments on the judge’s page expressing views on legal or political issues, or the judge being identified as a friend on the page of someone else who is expressing a view about a case or legal or political issue.

B cont. The judge should not lend the prestige of the judge’s office to advance the private interests of others . . .

- Entries on the judge’s page indicating that the judge “likes” or is a “fan” of a particular store, restaurant, organization, etc., or including that particular entity in the judge’s “interests,” or the judge appearing as a friend in a network created for the entity.
- Including a link to a store, restaurant, organization, etc. on the judge’s page.

B cont. . . . nor should the judge convey or permit others to convey the impression that they are in a special position to influence the judge.

- Identifying a person or organization as a friend of the judge.
- Including a link to a person or organization on the judge’s page.
- The judge’s page indicating that the judge “likes” or is a “fan” of a person or organization, or including that person in the judge’s “interests.”

CANON 3: *A judge should perform the duties of the judge's office impartially and diligently.*

A. Adjudicative responsibilities.

(2) A judge should maintain order and decorum in proceedings before the judge.

- Judge's use of social networking sites during court, posting comments.

(3) A judge should be patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in the judge's official capacity, and should require similar conduct of lawyers, and of the judge's staff, court officials and others subject to the judge's direction and control.

- Undignified remarks posted by the judge on the judge's page or on others' pages.
- Undignified, discourteous, etc. remarks posted by others on the judge's page and not removed.
- Inappropriate remarks about cases, litigants, lawyers, etc., posted on social network pages of the judge's assistant, clerk, etc., or posted by those employees on others' pages.

(4) A judge should accord to every person who is legally interested in a proceeding, or the person's lawyer, full right to be heard according to law, and, except as authorized by law, neither knowingly initiate nor knowingly consider ex parte or other communications concerning a pending proceeding.

- Comments or questions about a case posted on the judge's page or directed to the judge.

(6) A judge should abstain from public comment about the merits of a pending proceeding in any state or federal court dealing with a case or controversy arising in North Carolina or addressing North Carolina law and should encourage similar abstention on the part of court personnel subject to the judge's direction and control.

- Comments by a judge via a social networking site.
- Comments or questions about a case posted by someone else on the judge's page and not removed by the judge.
- Comments about a case posted on someone else's site linked to the judge's page.

B. Disqualification

(1) On motion of any party, a judge should disqualify himself/herself in a proceeding in which the judge's impartiality may reasonably be questioned, including but not limited to instances where:

(a) The judge has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceedings

- Comments posted by the judge on the judge’s social networking page, or comments posted by others and not removed by the judge, or links to affected individuals or organizations appearing to indicate a bias by the judge.

CANON 5: A judge should regulate the judge’s extra-judicial activities to ensure that they do not prevent the judge from carrying out the judge’s judicial duties.

B. Civic and charitable activities.

(3) A judge may be listed as an officer, director or trustee of any cultural, educational, historical, religious, charitable, fraternal or civic organization. A judge may not actively assist such an organization in raising funds but may be listed as a contributor on a fund-raising invitation.

- Comments by the judge on an organization’s social network page, supporting the organization and endorsing it, when the page is used for fund-raising.

CANON 7: A judge may engage in political activity consistent with the judge’s status as a public official.

C. Prohibited political conduct. A judge or candidate should not:

- (1) solicit funds on behalf of a political party, organization, or an individual (other than himself/herself) seeking election to office, by specifically asking for such contributions in person, by telephone, by electronic media, or by signing a letter, except as permitted under subsection B of this Canon or otherwise within this Code;*
- (2) endorse a candidate for public office except as permitted under subsection B of this Canon or otherwise within this Code. . . .*

- Appearing as a “friend” or “fan” on a candidate or political organization’s social network page.
- A judge’s page listing a candidate as a “like” or “interest” of the judge.
- Favorable comments posted by the judge on a candidate or political organization’s social network page.

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