

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK  
Social Media Policy for Court Employees  
Effective: 10/25/2011  
Amended: 10/25/2011**

## **1.0 Overview**

1.1 Internet technologies have evolved to permit an ever-expanding arena for idea-sharing and interactivity among users. The positive impacts these technologies offer are immediately apparent. Now the Internet not only provides instant access to information, products, and various media, but it also grants the opportunity to discuss and review posted Internet content instantaneously in an open forum. Moreover, the Internet's wide range of tools (e.g., LinkedIn, Facebook, Twitter, YouTube, Skype) and user-generated content permits users to network and remain connected on a large scale.

1.2 As with any new technologies, unfortunate, unintended consequences may result from their use, and possibilities for abuse exist. Since the Internet disseminates material so quickly, widely, and permanently, users must exercise caution in the ideas they share, the personal information they post, and the social interactions they undertake. While the Court employs web filtering software to block access to particular categories of websites for users connected to the Court's local area network, Court employees must also be mindful of the potential risks posed by the Internet and ensure that they adhere to the Code of Conduct for Judicial Employees. This Policy sets standards for how Court employees should conduct themselves when taking advantage of the Internet's many benefits. As technologies and their uses evolve, the Guidelines posted on the Court's Intranet site will be updated to provide safety tips and helpful reminders.

## **2.0 Scope**

2.1 This Social Media Policy relates to all Internet-posted content, whether using Court-issued devices (including BlackBerrys) or personally-owned devices. For example, it applies to, but is not limited to, posting information on Facebook, posting videos to YouTube, posting comments to NYTimes.com, and using Twitter.

2.2 This policy applies to all permanent and temporary Court employees, including interns and externs.

## **3.0 Restrictions on Use of Social Media**

3.1 As various social media sites and tools provide the opportunity for Internet users to comment on virtually any topic and publish any information about themselves in a most public fashion, judiciary employees must be mindful of their obligations as employees of the Court. The most basic rule is that all provisions of the Code of Conduct for Judicial Employees apply to an employee's online activities, just as they apply to an employee's offline activities. These provisions include the following:

- [i] upholding the integrity and independence of the judiciary;
- [ii] avoiding impropriety and the appearance of impropriety;
- [iii] avoiding lending the prestige of the office to advance or to appear to advance the private interests of others;
- [iv] avoiding actions that detract from the dignity of the Court or reflecting adversely on the Court;
- [v] avoiding actions demonstrating special access to the Court or favoritism;
- [vi] refraining from comment on pending matters;

- [vii] refraining from disclosing confidential information;
- [viii] remaining within restrictions on fundraising;
- [ix] refraining from engaging in prohibited political activity; and
- [x] avoiding association with certain social issues that are often litigated or with organizations that frequently litigate.

The [Code of Conduct for Judicial Employees](#) can be found at:

[http://jnet.ao.dcn/Guide/Vol\\_2\\_Ethics\\_and\\_Judicial\\_Conduct/Part\\_A\\_Codes\\_of\\_Conduct/Ch\\_3\\_Judicial\\_Employees\\_PDF.html](http://jnet.ao.dcn/Guide/Vol_2_Ethics_and_Judicial_Conduct/Part_A_Codes_of_Conduct/Ch_3_Judicial_Employees_PDF.html)

3.2 A judiciary employee serves the Court. The Court speaks only through its decisions and posted local rules, forms, and instructions. A Court employee must not elaborate on that information or otherwise comment on Court practices. In addition, the confidential, sensitive, or non-public information a Court employee learns does not “belong” to the employee in a way that permits the employee to share it with others. A Court employee must not disclose or otherwise share confidential, non-public, or sensitive information about the Court or its employees and judges or any information about the Court’s internal processes and procedures. For example, a Court employee must not post, comment on, or discuss in any way:

- [i] a judge’s schedule, time availability, travel plans, activities, whereabouts or locations, including but not limited to restaurants, clubs, etc.
- [ii] a particular case, lawyer, or party;
- [iii] a particular oral argument;
- [iv] a decision issued by the Court;
- [v] pictures that detract from the dignity of the Court or compromise the security of the Court, the Courtrooms, the Court seal or logos, judicial officers, or Court events;
- [vi] a Court document or video; or

[vii] any aspect of the Court’s security measures.

3.3 A court employee represents the federal judiciary and the Court. An employee’s online postings must not adversely impact the Court’s reputation or affect, whether by praise or criticism, public perceptions about the Court or the federal judiciary.

3.4 A judiciary employee must monitor online activities and social media presence closely to ensure that the employee is not:

[i] improperly affiliating with a person or entity that frequently litigates before the Court (e.g., becoming a “fan” of such an entity); or

[ii] engaging in impermissible political activity (e.g., circulating an invitation to attend a political event or posting text or a photo that demonstrates an association with a particular candidate or political party).

## **4.0 Security**

4.1 A Court employee must exercise caution when providing status updates that may reveal another Court employee’s location. An employee must not provide any status update that would reveal a judge’s location even if the judge’s name is excluded from the update. A Court employee who receives a Court-issued mobile device should use caution when accessing online location-based services that indicate the user’s current location.

4.2 If a Court employee will be participating in any non-public event or activity with a judge, the employee must not provide any information on social media or other Internet sites that reveals the location of the event or activity.

## **5.0 Enforcement**

5.1 This policy operates in conjunction with the Judicial Conference's Information Technology Usage Policy.

5.2 A Court employee who violates this policy likely has violated the Code of Conduct for Judicial Employees and may be subject to disciplinary action, including reprimand, suspension or termination pursuant to the Court's adverse action procedures. An employee who has questions regarding this policy should contact the unit executive for the employee's unit.