

States Prohibit and Enhance Penalties for Jurors Using Social Media

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The jury is critical to our American trial system. Jurors are instructed not to discuss their assigned case with anyone other than their fellow jurors. Updating a social networking status about the pending case can violate that instruction. Jurors are also instructed to base their verdict solely on the evidence presented at trial. Mistrials can occur when jurors post information about the case or browse the Internet to research beyond the scope of the trial evidence.

Nearly two years ago, Michigan was one of the first states to ban the use of all electronic devices by jurors both in the courtroom and in deliberations. Arizona, Florida, Hawaii, Indiana, New York and Ohio now have similar prohibitions. The State of California recently amended both its Code of Civil Procedure and Penal Code to provide that jurors engaging in "any form of communication or research about the case, including all forms of electronic or wireless communication or research" against court admonishment constitutes contempt of court. Willful violation of the new law is punishable by up to one year in prison, a \$5000 fine, or both.

Many other states are considering similar prohibitions in an effort to restore and maintain the integrity of the jury's role in the trial process. Review the California law [here](#).

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