



Up-dated January 2024

Social Media and Judicial Ethics Up-date

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A 2-part article analyzing the advisory opinions and discipline decisions on social media and judicial ethics was published in the spring and summer 2017 issues of the *Judicial Conduct Reporter*. Part 1 was a general introduction to the topic and a discussion of issues related to judicial duties: “friending” attorneys, disqualification and disclosure, ex parte communications and independent investigations, and comments on pending cases. [Judicial Conduct Reporter \(spring 2017\)](#). Part 2 covered off-the-bench conduct: conduct that undermines public confidence in the judiciary, commenting on issues, abusing the prestige of office, providing legal advice, disclosing non-public information, charitable activities, political activities, and campaign conduct. [Judicial Conduct Reporter \(summer 2017\)](#).

Below are summaries of materials related to judicial ethics and social media issued since publication of the 2-part article.

- [Code of judicial conduct provisions](#)
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Code of judicial conduct provisions

California

The California Supreme Court added [commentary to Canon 2A of the state's code of judicial ethics](#) that states.

A judge must exercise caution when engaging in any type of electronic communication, including communication by text or email, or when participating in online social networking sites or otherwise posting material on the Internet, given the accessibility, widespread transmission, and permanence of electronic communications and material posted on the Internet. The same canons that govern a judge's ability to socialize in person, on paper, or over the telephone apply to electronic communications, including use of the Internet and social networking sites. Those canons include, but are not limited to Canon 2B(2) (lending the prestige of judicial office), 3B(7) (ex parte communications), 3B(9) (public comment on pending or impending proceedings), 3E(2) (disclosure of information relevant to disqualification), and 4A (conducting extrajudicial activities to avoid casting doubt on the judge's capacity to act impartially, demeaning the judicial office, or frequent disqualification).

The California Court also added [commentary to Canon 2B](#) that states:

If a judge posts on social networking sites such as Facebook or crowdsourced sites such as Yelp or TripAdvisor, the judge may not lend the prestige of judicial office to advance the pecuniary or personal interests of the judge or others. For example, a judge may not comment on, recommend, or criticize businesses, products, or services on such sites if it is reasonably likely that the judge can be identified as a judge.

Connecticut

The [code of probate judicial conduct adopted by the Connecticut Probate Assembly and the Probate Court Administrator](#) includes 2 comments on social media.

A comment to Rule 3.1 regarding extra-judicial activities states:

(5) "Extrajudicial activities" include a judge's participation on social media. While a judge must exercise extreme caution when engaging in any type of electronic communication, including communication by text or email, participation on online social networking sites or otherwise posting material on the Internet are particularly problematic, given the accessibility, widespread transmission, and permanence of electronic communications and material posted on the Internet. Such activity demands particular attention. The same rules that govern a judge's ability to socialize in person, on paper, or over the telephone apply to all electronic communications, including on the Internet and social networking sites. While judges are not prohibited from participating in online social networks, such participation is fraught with peril, and they should exercise restraint and caution in doing so. For example, a judge should not identify

himself as such, either by words or images, when engaging in commentary or interaction that is not in keeping with the limitations of this Code.

A comment to Rule 4.1 regarding political conduct states:

(3) “Political and campaign activities” include a judge or judicial candidate’s participation on social media. While a judge or judicial candidate must exercise extreme caution when engaging in any type of electronic communication, including communication by text or email, participation on online social networking sites or otherwise posting material on the Internet are particularly problematic, given the accessibility, widespread transmission, and permanence of electronic communications and material posted on the Internet. Such activity demands particular attention. The same rules that govern a judge or judicial candidate’s ability to socialize in person, on paper, or over the telephone apply to all electronic communications, including on the Internet and social networking sites. While judges or judicial candidates are not prohibited from participating in online social networks, such participation is fraught with peril, and they should exercise restraint and caution in doing so. For example, judges or judicial candidates should not identify themselves as such, either by words or images, when engaging in commentary or interaction that is not in keeping with the limitations of this Code.

Idaho

[Comment 5 to Rule 3.1 of the Idaho code](#) warns:

While judges are not prohibited from participating in online social networks, such as Facebook, Instagram, Snapchat, and the like, they should exercise restraint and caution in doing so. A judge should not identify himself as such, either by words or images, when engaging in commentary or interaction that is not in keeping with the limitations of this Code.

Illinois

Effective January 23, 2023, the Illinois Supreme Court adopted a revised [code of judicial conduct](#) that includes several provisions referring specifically to social media. A paragraph in the preamble states:

The Code governs a judge's personal and judicial activities conducted in person, on paper, and by telephone or other electronic means. A violation of the Code may occur when a judge uses the Internet, including social networking sites, to post comments or other materials such as links to websites, articles, or comments authored by others, photographs, cartoons, jokes, or any other words or images that convey information or opinion. Violations may occur even if a judge's distribution of a communication is restricted to family and friends and is not accessible to the public. Judges must carefully monitor their social media accounts to ensure that no communication can be reasonably interpreted as suggesting a bias or prejudice; an ex parte communication;

the misuse of judicial power or prestige; a violation of restrictions on charitable, financial, or political activities; a comment on a pending or impending case; a basis for disqualification; or an absence of judicial independence, impartiality, integrity, or competence.

A comment to Rule 1.3 states:

[A] judge must not use the judicial title in letterhead, e-mails, or any other form of communication, including social media or social networking platforms, to gain an advantage in conducting personal business.

A comment to Rule 2.1 states:

To ensure that judges are available to fulfill their judicial duties, judges must conduct their personal and extrajudicial activities, including their use of social media or participation on social networking platforms, to minimize the risk of conflicts that would result in frequent disqualification. See Canon 3.

A comment to Rule 2.9 states:

The proscription against communications concerning a proceeding includes communications with lawyers, law teachers, or other persons who are not participants in the proceeding and communications made or posted on social media or social networking platforms.

A comment to Rule 2.9 states:

Judges who maintain a presence on social media or social networking platforms should be aware of the potential for these sites to become an unintended vehicle for ex parte communications.

A comment to Rule 2.10 states:

Judges who are active on social media or social networking platforms should understand how their comments in these forums might be considered “public” statements implicating this Rule. Judges should be aware of the nature and efficacy of privacy settings offered by social media or social networking platforms.

A comment to Rule 2.11 states:

A judge's use of social media or social networking platforms may create the appearance of a relationship between the judge and litigants or lawyers who may appear before the judge. Whether a relationship would cause the judge's impartiality to ‘reasonably be questioned’ depends on the facts. While the labels used by the social media or social

networking platform (e.g., “friend”) are not dispositive of the nature of the relationship, judges should consider the manner in which the rules on disqualification have been applied in traditional contexts and the additional ways in which social media or social networking platforms may amplify any connection to the judge.

A comment to Rule 3.7 states:

A judge may not use social media or social networking platforms to promote the activities of educational, religious, charitable, fraternal, or civic organizations when the judge would be prohibited from doing so using another means of communication. For example, just as a judge may not write or telephone nonfamily members or judges over whom the judge has supervisory authority to encourage them to attend organizations' fundraising events, a judge may not promote those events via social media or social networking platforms.

New Mexico

The [preamble to the New Mexico code](#) states: “Judges and judicial candidates are . . . encouraged to pay extra attention to issues surrounding emerging technology, including those regarding social media, and are urged to exercise extreme caution in its use so as not to violate the Code.”

Virginia

Effective January 1, 2022, the Virginia Supreme Court adopted a revised code of judicial conduct that included a [new Canon 1B](#) that provides:

The same provisions of these Canons that govern a judge’s ability to socialize and communicate in person, in writing, or over the telephone also apply to the Internet and social networking sites. While a judge is not prohibited from participating in online social media sites or networks, a judge should exercise restraint and discretion in doing so. A judge must avoid any online activity that would cause a reasonable person to question a judge’s ability to be impartial.

Further, the new Virginia code includes “social media” in its definition of “solicit:” “Directly requesting financial support, favor, in-kind goods or services, or membership, whether made by letter, telephone, email, social media, or any other means of communication.” It defines social media as “Internet-based services on which individuals share information, ideas, interests, activities, photos, and videos through virtual communities and networks using electronic devices.”

West Virginia

Comment [6 to Rule 3.1 of the West Virginia code](#) states: “The same Rules of the Code of Judicial Conduct that govern a judicial officer’s ability to socialize and communicate in person, on paper, or over the telephone also apply to the Internet and social networking sites like Facebook.”

Canada

In new [Ethical Principles for Judges](#) adopted in 2021, the **Canadian Judicial Council** added several comments regarding social media:

- “Attempts to influence judges may come from many sources, including social media. Judges should be cautious in their communications on social media relating to matters that could come before the court. Also, their social media activities should be undertaken in ways that avoid compromising public confidence in the judiciary.”
- “A judge’s conduct, in and out of court, may be the subject of public scrutiny and comment. At the same time, judges have private lives and are entitled to enjoy, as much as possible, the rights and freedoms generally available to all. Nevertheless, judges accept some restrictions on their activities — even activities that would not elicit adverse notice if carried out by other members of the community. For example, judges should exercise caution in their use of social media. Judges should strive to strike a balance between the expectations of judicial office and their personal lives. In finding this balance, judges should be guided by these Ethical Principles.”
- “Judges should avoid engaging in activities on social media that could reasonably reflect negatively on their commitment to equality.”
- “Social media activities are subject to the overarching principles that guide judicial behaviour. Judges should be aware of how their activities on social media may reflect on themselves and upon the judiciary and should be attentive to the potential implications for their ability to perform their judicial role. Judges should also be attentive to and may wish to inform family members of the ways in which their social media activities could reflect adversely on the judge.”
- “Communication by social media is more public and more permanent than many other forms of communication. It enables messages to be re-transmitted beyond the originators’ control and without their consent. Comments or images intended for a limited audience can be shared, almost instantaneously, with a vast audience and may create an adverse reaction far beyond what one may have considered possible. Social media can also create greater opportunities for inappropriate communications to judges from others.”
- “Judges’ communications and associations with others are commonly used as a basis for claims of lack of impartiality. Judges should be vigilant in minimizing reasonable apprehensions of bias arising from these communications and associations. This is all the more important, and difficult, in the age of social media. Judges who choose to use social media should exercise great caution in their communications and associations within these networks, including expressions of support or disapproval. This includes judges informing themselves about the functioning, and the application, of security and privacy settings appropriate to their use of social media.”

Ex parte communications

The Alabama Court of the Judiciary removed a judge from office for, in addition to other misconduct, using several Facebook aliases to communicate with litigants in an effort to affect the outcome of a domestic relations case. [In the Matter of Blocton, Final judgment](#) (Alabama Court of the Judiciary December 10, 2021).

The Arizona Commission on Judicial Conduct publicly reprimanded a judge for, in addition to other misconduct, reviewing a social media post in which the spouse of a criminal defendant criticized him and then discussing the post in a minute order, describing its alleged inaccuracies, and requesting that it be corrected. [Staags, Order](#) (Arizona Commission on Judicial Conduct November 17, 2020).

In its [2016 annual report](#), the Arizona Commission on Judicial Conduct stated that it had advised a judge to refrain from viewing social media posts that could lead to inadvertent ex parte communications and/or acquisition of factual information outside of the record.

Reviewing the findings and recommendation of the Judiciary Commission, which were based on stipulations, the Louisiana Supreme Court suspended a judge from office for 4 months without pay for, while he was presiding over a child custody case, engaging in ex parte communications on Facebook Messenger with the children's maternal grandmother for approximately 6 months, in addition to related misconduct. *In re Denton*, 339 So. 3d 574 (Louisiana 2022).

A judge may communicate through a social media account with an attorney who will be appearing before them in a pending case if the communication falls within one of the exceptions for ex parte communications. [Michigan Judicial Social Media FAQs](#) (2020).

A judge who receives a social media message from the victim's first-degree relative that contains substantive discussion of the case must disclose the ex parte communication to all parties, but recusal is not required and is within the judge's discretion if a request is made. [New York Advisory Opinion 2017-53](#).

Based on the report of the Board of Professional Conduct, the Ohio Supreme Court suspended a judge for 6 months without pay for communicating with a litigant on Facebook Messenger and on the phone about 4 cases pending before the judge; the Court stayed the suspension conditioned on the judge completing 3 hours of continuing judicial education. *Disciplinary Counsel v. Winters*, 184 N.E.3d 21 (Ohio 2021).

Prestige of office

The Arizona Commission on Judicial Conduct publicly reprimanded a part-time judge for using his judicial title/status in posts on the Facebook page for his campaign for sheriff. [Barth, Order](#) (Arizona Commission on Judicial Conduct June 10, 2020).

Whether a judge may write a review on a social media site depends on how likely it is that a reader will be able to identify the post as being written by a judge, where the post will appear, whether there is a reasonable possibility the business being reviewed could identify who wrote the review and that person's position, how detailed the review is, whether the judge is writing the review for a third-party site or the business, and whether the judge is writing the review to impart information to others or to advance the business's interests. Whether a judge may use "like" business on a social networking site depends on who can see the judge's "likes," which depends on where the "like" icon is and the judge's privacy settings. [California Judges Association Formal Opinion 78](#) (2020).

In its [2020 annual report](#), the California Commission on Judicial Performance stated that it had privately admonished a judge for posting a comment on social media that used their title and position to promote the pecuniary interest of another and maintaining an email account and social media accounts with identifying information that cast doubt on their capacity to act impartially.

A judge may not endorse any LinkedIn connection's skills or endorse businesses but may recommend a connection based on the judge's personal knowledge, for example, recommending their former clerk for a specific position to a potential employer. New judges with existing LinkedIn accounts who previously endorsed attorneys or businesses should "unendorse" them. [Colorado Advisory Opinion 2022-5](#).

A judge may discuss a court-based mental health diversion project on a video that will be used exclusively on a behavioral health entity's website and social media platform to educate the community about the program if the judge does not promote the entity. [Florida Advisory Opinion 2019-26](#).

A judge may post the release date of a book the judge has written on Facebook or other social media. [Florida Advisory Opinion 2020-21](#).

A judge may not post a congratulatory message on LinkedIn about the release of a book written by their spouse. [Florida Advisory Opinion 2021-14](#).

A judge may not "recommend" attorneys on LinkedIn or other social media sites. A judge may not support a business on social media. [Michigan Judicial Social Media FAQs](#) (2020).

In its [2018 annual report](#), the Michigan Judicial Tenure Commission stated that it had privately admonished a judge for using her position to promote a novel she had written, including failing to ensure that her agent did not refer to her position in a tweet promoting the book.

Based on a stipulation and the judge's consent and agreement not to serve as a pro tem judge in the future, the Nevada Commission on Judicial Discipline publicly reprimanded a pro tem judge for using Instagram and TikTok videos of himself presiding over actual court proceedings as advertisements for his law practice. [In the Matter of Vander Heyden, Stipulation and order of consent to public reprimand](#) (Nevada Commission on Judicial Discipline December 12, 2022).

A judge may not write and publish an on-line review of a personal or professional vacation organized by a bar association or other professional organization even if the review is anonymous and does not refer to their judicial status. [New York Advisory Opinion 2019-87](#).

Based on the judge's resignation and agreement to be disqualified from judicial service in the state, the Texas State Commission on Judicial Conduct agreed not to pursue further disciplinary proceedings against the judge; in a notice of formal proceedings, the Commission had alleged that the judge, in addition to other misconduct, made Facebook posts or allowed posts to appear on her Facebook page that promoted, advertised, and/or expressed her support for consumer products, businesses, and other commercial endeavors. [Fernandez](#), Voluntary agreement to resign from judicial office in lieu of disciplinary action (Texas State Commission on Judicial Conduct October 22, 2021).

The Texas State Commission on Judicial Conduct [privately warned](#) a former judge for using her social media in a manner that could be perceived as advancing the private interests of herself or others, authorizing the use of her name to endorse other candidates for public office, or conveying the impression that others were in a special position to influence her.

The Texas State Commission on Judicial Conduct [privately admonished](#) a judge who had appeared in a social media video depicting the judge dancing in their courtroom to a song with explicit lyrics, as requested by a person who could use the video to promote their own social media.

The Texas State Commission on Judicial Conduct [ordered additional education](#) for a judge who made a social media post promoting a conference in which the judge was participating and engaged in improper solicitation of funds for the conference.

The West Virginia Judicial Investigation Commission publicly admonished a magistrate for, in addition to other misconduct, holding live sales of jewelry on Facebook and posting photos and other information related to the jewelry and other things she had for sale on her Facebook page, which identified her as a magistrate and included photos of her at the courthouse, being sworn into office, and campaigning for office. [Public Admonishment of Honaker](#) (West Virginia Judicial Investigation Commission August 4, 2023).

Charitable activities

Judges may connect with bar associations and law-related groups on LinkedIn. [Colorado Advisory Opinion 2022-5](#).

A judge is strongly discouraged from using social media to post information about a charitable organization that has begun production of handmade robes as part of its mission to create careers for Baltimore citizens returning from prison. [Maryland Opinion Request 2021-3](#).

Judges may support charitable organizations on social media. Judges must not publish their own charitable contributions on social media. Judges who are on the boards of charitable organizations may permit their position to be listed on the organizations' websites and social media. Judges may allow their names and photographs to be shown on the website or in the social media of a charitable organization. If a judge has reservations about being associated with any charitable organization, the judge should avoid the association, including through social media and other digital media used by the organization. [Michigan Advisory Opinion JI-148](#) (2019).

A judge may support a charitable organization on social media. [Michigan Judicial Social Media FAQs](#) (2020).

The New York State Commission on Judicial Conduct removed a judge from office for using his Facebook account to publicly engage in fundraising for the National Rifle Association, in addition to other misconduct. [In the Matter of Stilson, Determination](#) (New York State Commission on Judicial Conduct January 7, 2022).

Based on an agreed statement of facts and joint recommendation, the New York State Commission on Judicial Conduct publicly censured a non-lawyer judge for, in addition to other misconduct, "liking" a LinkedIn post by the "First Responder Benefit Association" that described a purported positive encounter between a man and a police officer during a traffic stop and promoted a link to donate to the FRBA and join the organization as an "Ally." [In the Matter of Elia, Determination](#) (New York State Commission on Judicial Conduct September 28, 2022).

Accepting the determination of the State Commission on Judicial Conduct, which was based on an agreed statement of facts, the New York Court of Appeals removed a non-attorney judge for, in addition to other misconduct, commenting on a post promoting a spaghetti dinner to raise money to cover medical expenses that he had incurred in a motorcycle accident and sharing and commenting on Facebook posts promoting 7 events to raise funds for the Elks Lodge. [In the Matter of Putorti, 222 N.E.3d 519](#) (New York 2023).

A judge may not raise funds for a not-for-profit religious organization by creating an online "store" to sell popcorn and sending the link to their email contacts but may create an online fund-raising tool and distribute the link to their family members. [New York Advisory Opinion 2022-15\(B\)](#).

In its [2017 annual report](#), the Pennsylvania Judicial Conduct Board stated that it issued a letter of caution to a judge who made posts on a social media site that appeared to endorse policy positions of a political party and re-posted a photographic advertisement of a local fundraising event for a charitable institution.

Accepting an agreement for discipline by consent, the South Carolina Supreme Court suspended a judge for 18 months without pay for soliciting funds for the Red Cross on his Facebook page, in addition to other misconduct. *In the Matter of Johns*, 864 S.E.2d 546 (South Carolina 2021).

The Tennessee Board of Judicial Conduct publicly reprimanded a judge for soliciting resources and cash donations to benefit a school in Facebook posts in which she was wearing her judicial robe and failing to timely respond to the Board's inquiry. [Re Boyd](#) (Tennessee Board of Judicial Conduct May 8, 2023).

The Texas State Commission on Judicial Conduct publicly admonished a judge for organizing a school supply drive using court staff and advertising it in Facebook posts, solicitating donations to an individual in a Facebook post, and advertising his donation of a rifle to a charitable organization's raffle in a Facebook post. [Public Admonition of Metts](#) (Texas State Commission on Judicial Conduct October 3, 2018).

Based on the judge's resignation and agreement to be disqualified from judicial service in the state, the Texas State Commission on Judicial Conduct agreed not to pursue further disciplinary proceedings against the now-former judge; in a notice of formal proceedings, the Commission had alleged that the judge, in addition to other misconduct, made Facebook posts or allowed posts to appear on her Facebook page that promoted fundraising efforts by civic, charitable, and educational organizations and made direct solicitations for personal and local causes. [Fernandez](#), Voluntary agreement to resign from judicial office in lieu of disciplinary action (Texas State Commission on Judicial Conduct October 22, 2021).

Based on a stipulation and agreement, the Washington State Commission on Judicial Conduct publicly admonished a judge for a post on his Facebook page encouraging people to attend a charity pancake feed. [In re Svaren, Stipulation, agreement, and order](#) (Washington State Commission on Judicial Conduct December 7, 2018).

Based on a stipulation and agreement, the Washington State Commission on Judicial Conduct publicly admonished a supreme court justice for sharing on her Facebook page a post about a fundraiser for a non-profit organization that provides recovery assistance for persons suffering from drug abuse and addiction and her Facebook post encouraging people to support a weekly newspaper that employs homeless and previously homeless people as vendors. [In re Yu, Stipulation, agreement, and order](#) (Washington State Commission on Judicial Conduct December 7, 2018).

Based on a stipulation and agreement, the Washington State Commission on Judicial Conduct publicly admonished a judge for sharing on her Facebook page a “GoFundMe” account to help a woman cover medical expenses. [In re McCroskey, Stipulation, agreement, and order](#) (Washington State Commission on Judicial Conduct April 21, 2023).

The West Virginia Judicial Investigation Commission publicly admonished a magistrate for, on her Facebook page, sharing a post asking for donations to a gofundme.com account, sharing a post advertising a fundraiser for a state trooper, and sharing a donation request for a charity providing Christmas meals. [Public Admonishment of Sansom](#) (West Virginia Judicial Investigation Commission August 4, 2023).

Disciplinary responsibilities

When an appellate justice learns that a staff member has posted a comment on social media that violates the canons, the justice should immediately take steps to remedy the violation, including at a minimum requiring the staff member to take all reasonable steps to have the post taken down and removed from the public domain. If the justice learns that an improper comment has already been viewed by the public, republished, or otherwise disseminated, the judge should, depending on the circumstances, instruct the staff member to correct or repudiate the comment on social media, particularly if the comment is demeaning, offensive, or otherwise undermines the dignity of the court. [California Oral Advice Summary 2020-37](#).

A judge who views posts on another judge’s Facebook page about the 2020 presidential election and media coverage and bias, links to articles about politics, internet memes about politics, expressions of political opinions, and exchanges about politics with those who commented on the judge’s profile or posts is required to report the other judge. [Massachusetts Letter Opinion 2021-1](#).

A judge who saw another judge’s comment on a social media post praising a local law enforcement agency for “solving” a specific high-profile crime must report the other judge to the State Commission on Judicial Conduct even if they have already reported the judge to a supervising or administrative judge. [New York Advisory Opinion 2022-115](#).

Sexual communications

Pursuant to an agreement, the Arkansas Judicial Discipline & Disability Commission announced a judge’s resignation and his agreement to a permanent bar from holding judicial office in the state; the Commission had been prepared to charge the judge for failing to immediately recuse from all cases involving a female defendant with whom he was communicating on Facebook Messenger and by telephone, in addition to other misconduct. [Letter of resignation and](#)

[prohibition from office \(Throesch\)](#) (Arkansas Judicial Discipline & Disability Commission May 1, 2020).

Approving a stipulation, the Colorado Presiding Disciplinary Judge publicly censured a former judge for, in addition to other misconduct, asking a law clerk to assist him in using the Tinder dating application. [People v. Scipione](#) (Colorado Presiding Disciplinary Judge November 13, 2023).

Because the judge filed no exceptions, the Kansas Supreme Court accepted the findings and conclusions of the Commission on Judicial Conduct but took no further action on its recommendation that a former magistrate judge be publicly censured for giving access to nude and partially nude photos of himself to the complainant and the complainant's wife on a social media dating site for couples, sending sexually revealing photographs of himself to the complainant's wife, and requesting that the complainant's wife send sexually explicit photos to him. *In the Matter of Clark*, 502 P.3d 636 (Kansas 2022).

The Kentucky Supreme Court removed a judge for misconduct that included engaging in Snapchat conversations, some of which were sexual in nature, with a member of court staff and members of her guardian ad litem panel. *Gentry v. Judicial Conduct Commission*, 612 S.W.3d 832 (Kentucky 2020).

Based on the judge's agreement, the Kentucky Judicial Conduct Commission [privately reprimanded](#) a judge for, after consuming too much alcohol, sending a participant in a court program over which he was presiding a private message on social media that was flirtatious and expressed his desire to meet after the conclusion of the individual's participation in the program.

A judge may maintain a profile on a dating website and communicate online for the purpose of dating and maintain social media accounts on Facebook, Instagram, and LinkedIn. [New York Advisory Opinion 2022-119](#).

A judge should not post "inappropriate, lewd, profane, inflammatory, or unprofessional content" on social media. [North Carolina Tips on the Use of Social Media](#) (2021).

Granting a motion for determination based on the judge's failure to file an answer to a formal complaint, the New York State Commission on Judicial Conduct removed a judge for, in addition to other misconduct, displaying on his Facebook page "likes" of other Facebook pages with images of scantily clad and/or partially naked women, many of whom were in sexually suggestive poses and content that demeaned or sexually objectified women. [In the Matter of Futrell](#), Determination (New York State Commission on Judicial Conduct December 12, 2023).

The New York State Commission on Judicial Conduct removed a judge for, in addition to other misconduct, making sexual and otherwise inappropriate comments on his public Facebook

page. [In the Matter of Hall](#), Determination (New York State Commission on Judicial Conduct October 17, 2023).

Adopting the recommendation of the Judicial Standards Commission, which was based on stipulations, the North Carolina Supreme Court publicly censured a former judge for a pattern of inappropriate and sexual communications on Facebook with numerous women, many of whom were involved in matters pending in his district; engaging in these inappropriate communications while on the bench and frequently taking breaks, continuing cases, and recusing himself to have conversations or physical encounters that he arranged on Facebook; making misrepresentations and misusing the prestige of office to solicit assistance from law enforcement during an investigation of an attempt to extort him by one of the women; and making material misrepresentations to the Commission. *In re Pool*, 858 S.E.2d 771 (North Carolina 2021).

Based on the report of the Board of Professional Conduct, which was based on stipulations, the Ohio Supreme Court suspended a judge for 6 months for communicating inappropriately with a court reporter on Facebook and by text and phone calls, with the entire suspension stayed conditioned on the judge receiving 8 hours of training on sexual harassment and refraining from further misconduct. *Disciplinary Counsel v. Berry*, 182 N.E.3d 1184 (Ohio 2021).

Based on the judge's consent, the Tennessee Board of Judicial Conduct suspended a judge for 30 days with pay and publicly reprimanded him for having sexual conversations with and soliciting pictures from women on social media, including a legal professional employed at a law firm that conducts business in his court and a former litigant in a child custody matter before him; the suspension was held in abeyance provided no meritorious complaints are filed against the judge during the remainder of his term. [Re Young](#) (Tennessee Board of Judicial Conduct October 5, 2020).

The Tennessee Board of Judicial Conduct suspended a judge for 30 days with pay for (1) media interviews and social media posts about a case against a pharmaceutical company that resulted in his disqualification from the case; (2) communications and a physical relationship with a female litigant and failing to disqualify himself from her case; and (3) failing to respond to the Board's notices. [In re Young, Order](#) (Tennessee Board of Judicial Conduct July 26, 2022).

Connections and disqualification

Pursuant to an agreement, the Arkansas Judicial Discipline & Disability Commission announced the resignation of a judge and his agreement to a permanent bar from holding judicial office in the state; the Commission had been prepared to charge the judge for failing to immediately recuse from all cases involving a female defendant with whom he was communicating on Facebook Messenger and by telephone, in addition to other misconduct. [Letter of resignation and prohibition from office \(Throesch\)](#) (Arkansas Judicial Discipline & Disability Commission May 1, 2020).

A judge may connect with an attorney on LinkedIn even if the attorney may appear before them but should consider when deciding whether to connect with an attorney the nature of the social networking page; the number of friends or connections the judge has on the page; the judge's practice when deciding whom to friend or connect with; and how regularly the attorney appears before the judge. If an attorney-connection appears before the judge in a case, the judge may have to remove the attorney from their connections after considering the characteristics of the lawyer's practice and the jurisdiction of the judge's court. If the judge and the attorney-connection have a close relationship, the judge should disclose the relationship to the parties and perhaps recuse. New judges should decide whether to delist a pre-existing attorney-connection based on whether the attorney-connection may appear before them, the judge's docket type, and the characteristics of the attorney's practice. Having a LinkedIn connection with an attorney is just one factor a judge should consider in determining whether to disclose the relationship. [Colorado Advisory Opinion 2022-5](#).

The Florida Supreme Court held that a Facebook friendship with an attorney, standing alone, did not constitute a legally sufficient basis for a judge's disqualification, disagreeing with [Florida Advisory Opinion 2009-20](#), which advised that a judge may not be Facebook friends with lawyers who may appear before the judge. *Law Offices of Herssein and Herssein v. United Services Automobile Association*, 271 So. 3d 889 (Florida 2018).

The Chief Justice of the Kentucky Supreme Court disqualified a trial judge from a lawsuit brought by the Attorney General against the state Secretary of Labor because the judge had "liked" a Facebook post supporting the Attorney General's campaign for governor. [In re Commonwealth of Kentucky, ex rel. Beshear and Jefferson County Teachers Association v. Dickerson](#) (Kentucky Supreme Court September 27, 2019).

The Kentucky Court of Appeals remanded a medical malpractice case for the trial court judge to determine if her Facebook friendship with one of the defendants and the defendant's connections to her judicial election campaign were so extensive as to require her recusal. [Andress v. Lape](#) (Kentucky Court of Appeals September 18, 2020).

When a judge knows that a lawyer appearing before them is a former Facebook friend, disclosure is not presumptively required, but the judge should consider whether disclosure is warranted based on the nature of the former on-line friendship, the extent of any other relationship between the judge and the lawyer, and the personal information the judge posted that the lawyer might use to convey the impression of special access to the judge. [Massachusetts Letter Opinion 2018-3](#).

That an attorney appearing before a judge in a pending case is a "connection" of the judge on a social networking site is not automatic grounds for disqualification; in deciding whether to recuse, the judge should consider the frequency of their interaction (i.e., comments, shares, etc.). A judge should consider the frequency and the substance of their communications with a party on social media in deciding whether to recuse from a case involving that party. [Michigan Judicial Social Media FAQs](#) (2020).

A social media connection to a party, lawyer, or witness appearing in a case without more does not require disqualification, but a judge should consider factors such as the size of their social media network, whether the connection is on a personal social media account or a campaign-related account, whether the judge regularly posts and exchanges messages with the person, when the social media connection was first formed, and whether the judge has contact with the person outside of social media. [North Carolina Tips on the Use of Social Media](#) (2021).

In its [2021 annual report](#), the Pennsylvania Judicial Conduct Board reported that it had sent a letter of caution to a judge who had unintentionally submitted Facebook friend requests to a victim in a pending criminal proceeding and a defendant in another pending criminal proceeding while using Facebook to investigate the identity of the victim and the whereabouts of the defendant.

In its [2018 annual report](#), the Pennsylvania Judicial Conduct Board stated that it had issued letters of counsel to 2 judges who presided over preliminary proceedings in criminal cases when the judges were Facebook friends with the victim, the victim's mother, the victim's grandparents, the arresting officer, and/or others involved in the cases.

The Tennessee Board of Judicial Conduct suspended a judge for 30 days with pay for (1) media interviews and social media posts about a case against a pharmaceutical company that resulted in his disqualification from the case; (2) communications and a physical relationship with a female litigant and failing to disqualify himself from her case; and (3) failing to respond to the Board's notices. [In re Young, Order](#) (Tennessee Board of Judicial Conduct July 26, 2022).

In an accelerated interlocutory appeal, reversing a judge's order's denying a motion for his recusal, the Tennessee Court of Appeals found that a judge's Facebook posts were "easily construable as indicating partiality" against entities such as the pharmaceutical company defendants in the lawsuit over which he had been presiding. [Clay County v. Purdue Pharma](#) (Tennessee Court of Appeals April 20, 2022).

Finding that "the extreme facts of this case rebut the presumption of judicial impartiality and establish a due process violation," the Wisconsin Supreme Court held that a serious risk of actual bias had been created in a custody dispute when, while his decision was pending following a contested hearing, the trial judge accepted a Facebook friend request from the mother, who interacted with him, including "liking," "loving," or commenting on at least 20 of his Facebook posts, and "shared" and "liked" third-party posts about domestic violence, which was an issue in the case. *In re Paternity of B.J.M.*, 944 N.W.2d 542 (Wisconsin 2020).

Biased statements and controversial issues

The Arizona Commission on Judicial Conduct dismissed a complaint alleging that a judge made a racist social media post [with a warning](#) reminding the judge “to exercise vigilance over the contents of her social media postings, both personally and professionally.”

Judges may use social media to make statements about the law, the legal system, or the administration of justice, including legislation affecting the judiciary or the legal system, but judges must exercise caution and restraint; should assume the widest possible audience due to lack of control over the dissemination and permanence of on-line statements; may not engage in prohibited social or political commentary; must carefully evaluate what they intend to post; and must continually monitor reactions to their statements and the social media forums they use. [California Expedited Opinion 2021-42](#).

Based on a stipulation, the California Commission on Judicial Performance publicly censured a former commissioner and barred him from receiving an assignment, appointment, or reference of work from any California state court for (1) posts and re-posts on his public Facebook page that reflected, among other things, anti-Muslim sentiment, anti-immigration sentiment, anti-Native American sentiment, anti-gay marriage and transgender sentiment, anti-liberal and anti-Democrat sentiment, anti-black sentiment, opposition to then-presidential candidate Hillary Clinton, accusations against President Barack Obama, a lack of respect for the federal justice system, and contempt for the poor and (2) representing to his presiding judge and the Commission that he had taken the posts down when that was not true, although he believed the posts were no longer publicly viewable. [In the Matter Concerning Gianquinto, Decision and order](#) (California Commission on Judicial Performance August 22, 2018).

The California Commission on Judicial Performance publicly admonished a judge for posting tweets, re-tweeting content, and liking tweets by others that expressed partisan viewpoints on controversial issues, suggested bias against particular classes of people, and were undignified and indecorous, in addition to other misconduct. [In the Matter Concerning O’Gara, Decision and order imposing public admonishment](#) (California Commission on Judicial Performance September 14, 2021).

In its [2020 annual report](#), the California Commission on Judicial Performance stated that it had privately admonished a judge for maintaining an email account and social media accounts with identifying information that cast doubt on their capacity to act impartially and for posting a comment on social media that improperly used the judge’s title and position to promote the pecuniary interest of another.

In its [2021 annual report](#), the California Commission on Judicial Performance stated that it had issued an advisory letter to a judge who “posted remarks on social media, expressing points of view on controversial issues, that conveyed an appearance of bias against prosecutors and law enforcement.”

Even if they do not use their titles, judges should not use social media “to express support for or to protest current political issues,” including “validat[ing], endors[ing], or ‘lik[ing]’ a person, image, or statement made by another.” [Colorado Advisory Opinion 2020-2](#).

Judges must never post, repost, comment on, or react to anything that would violate the code of judicial conduct, including posts, comments, or reactions that involve pending cases, non-public information concerning a case, or political activity or that demean a person based upon their race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, or socioeconomic status. [Colorado Advisory Opinion 2022-5](#).

Based on the judge’s retirement and a consent agreement in which the judge agreed not to seek judicial office in the state, the Georgia Judicial Qualifications Commission resolved its investigation of a former judge; the investigative panel had determined that the judge “made social media posts that amounted [to] statements of public support for certain political positions and which could have negatively impacted public confidence in [the judge’s] ability to remain independent and impartial.” [In re Inquiry Concerning Teske, Report of disposition](#) (Georgia Judicial Qualifications Commission October 5, 2021).

In [2021](#), Louisiana Judiciary Commission privately cautioned a judge for social media activity that conveyed an appearance of partiality.

Accepting a final submission based on agreed facts, the Massachusetts Supreme Judicial Court publicly reprimanded a judge for posts on his Facebook account that expressed views on political candidates, political figures, and issues and posts that could create the appearance of bias based on gender, ethnicity, or immigration status. [In the Matter of Michaud, Order](#) (Massachusetts Supreme Judicial Court December 22, 2022).

Accepting a stipulation based on the judge’s resignation and agreement not to seek or accept judicial office in the future, the New York State Commission on Judicial Conduct closed its investigation of a complaint that a judge had made public comments on Facebook criticizing public officials and a state gun regulation and conveying bias in favor of law enforcement and against a political organization, a social activist group, and members of a religious group. [In the Matter of Clarkin, Decision and order](#) (New York State Commission on Judicial Conduct December 8, 2017).

Accepting a stipulation based on the judge’s resignation and agreement not to seek or accept judicial office in the future, the New York State Commission on Judicial Conduct concluded a formal complaint alleging that a judge had posted on “his Facebook account a picture of a noose with the annotation, ‘IF WE WANT TO MAKE AMERICA GREAT AGAIN WE WILL HAVE TO MAKE EVIL PEOPLE FEAR PUNISHMENT AGAIN.’” [In the Matter of Canning, Decision and Order](#) (New York State Commission on Judicial Conduct September 12, 2019).

Accepting an agreed statement of facts and recommendation, the New York State Commission on Judicial Conduct publicly admonished a judge for (1) during his campaign, on his personal

Facebook page, posting memes that propounded conspiracy theories, making disrespectful and undignified comments about laws he would be sworn to uphold as a sitting judge, and endorsing a candidate for the town council and (2) while a judge, on his personal Facebook page, posting comments on the release of a defendant he had arraigned, linking to articles critical of bail decisions in other cases, and commenting on one of those cases. [*In the Matter of Schmidt, Determination*](#) (New York State Commission on Judicial Conduct November 3, 2020).

Accepting an agreed statement of facts, the New York State Commission on Judicial Conduct publicly admonished a judge for posting on his Facebook page 2 photographs of himself wearing a sheriff's uniform and personal comments expressing his appreciation for law enforcement officers and describing his appearance at a "Back the Blue" event. [*In the Matter of Peck, Determination*](#) (New York State Commission on Judicial Conduct March 19, 2021).

Accepting a stipulation based on the judge's affirmation that he has vacated his office and will not seek or accept judicial office in the future, the New York State Commission on Judicial Conduct concluded its investigation of allegations that a judge had conveyed the impression of bias against LGBTQ individuals and had public posts on his personal Facebook page expressing anti-LGBTQ bias, anti-Muslim bias, and bias in favor of law enforcement and against criminal defendants; posts of political content; and posts commenting on pending cases, including the murder trial of former Minneapolis Police Officer Derek Chauvin. [*In the Matter of Knutsen, Decision and order*](#) (New York State Commission on Judicial Conduct June 10, 2021).

The New York State Commission on Judicial Conduct removed a judge from office for posting, disseminating, and/or approvingly commenting on sexually charged content or images on Facebook that were demeaning toward women or otherwise offensive. [*In the Matter of Stilson, Determination*](#) (New York State Commission on Judicial Conduct January 7, 2022).

Based on an agreed statement of facts and joint recommendation, the New York State Commission on Judicial Conduct publicly censured a non-lawyer judge for, in addition to other misconduct, on his LinkedIn profile, liking, sharing, and/or commenting on LinkedIn posts that cast doubt on his ability to be impartial in matters involving law enforcement; posts that related to partisan politics; posts that commented on matters of public controversy; and posts that constituted public comment about a pending or impending proceeding in another court. [*In the Matter of Elia, Determination*](#) (New York State Commission on Judicial Conduct September 28, 2022).

Accepting a stipulation based on the judge's resignation and affirmation that she will not seek or accept judicial office in the future, the New York State Commission on Judicial Conduct concluded its investigation of a complaint that a judge had promoted prejudicial and inflammatory content on Facebook and lent the prestige of her judicial office to advance the private interests of others. [*In the Matter of Keppler, Decision and order*](#) (New York State Commission on Judicial Conduct December 15, 2022).

Granting a motion for determination based on the judge's failure to file an answer to a formal complaint, the New York State Commission on Judicial Conduct removed a judge for, in addition to other misconduct, posting Nazi imagery to his Facebook page. [In the Matter of Futrell](#), Determination (New York State Commission on Judicial Conduct December 12, 2023).

Based on an agreement, the Tennessee Board of Judicial Conduct publicly reprimanded a judge for sharing partisan posts on Facebook on issues such as the credibility of certain federal agencies; professional athletes kneeling during the national anthem; the effect of undocumented immigrants on the economy; the Democratic party platform; support for or opposition to presidential candidates; the Black Lives Matter movement; media bias; fatal shootings by police officers; anti-Jihadist sentiment; transgender bathrooms and boys in girls' locker rooms; and undocumented immigrants voting in Virginia. [Lammey](#) (Tennessee Board of Judicial Conduct November 15, 2019).

The Tennessee Board of Judicial Conduct publicly reprimanded a judge for appearing in a video about truancy posted on a school's Instagram page; the judge accepted the reprimand. [Randolph](#), Public reprimand (Tennessee Board of Judicial Conduct September 19, 2023).

The Texas State Commission on Judicial Conduct publicly reprimanded a judge for posting on his Facebook page a meme endorsing the extermination of Muslims and statements "railing" against liberals. [Public Reprimand of Burkeen](#) (Texas State Commission on Judicial Conduct February 21, 2018).

The Texas State Commission on Judicial Conduct publicly warned a judge for posting on Facebook support for judicial candidates, opposition to candidates for other offices, a negative comment about Scientology, and a meme about border crossings. [Public Warning of Baca Bennet and Order of Additional Education](#) (Texas State Commission on Judicial Conduct August 16, 2021).

Based on the judge's resignation and agreement to be disqualified from judicial service in the state, the Texas State Commission on Judicial Conduct agreed not to pursue a notice of formal proceedings alleging that the judge, in addition to other misconduct, made Facebook posts or allowed posts to appear on her Facebook page that indicated her support for and association with law enforcement, the Blue Lives Matter movement, and the U.S. Border Patrol and expressed her contempt or disdain for criminal defendants. [Fernandez](#), Voluntary agreement to resign from judicial office in lieu of disciplinary action (Texas State Commission on Judicial Conduct October 22, 2021).

The Texas State Commission on Judicial Conduct publicly warned a judge for posting and reposting racial, ethnic, and religious comments and/or memes on social media, in addition to other misconduct. [Public Warning of Black](#) (Texas State Commission on Judicial Conduct April 7, 2022).

The Texas State Commission on Judicial Conduct [privately admonished](#) a judge for several comments on Twitter that criticized the district attorney's office and local law enforcement agencies; the Commission also ordered the judge to receive additional education.

The Texas State Commission on Judicial Conduct [privately warned](#) a judge for stating on his Facebook page that he would refuse to officiate same-sex weddings if asked and reiterating that position in a subsequent statement to the media.

The West Virginia Judicial Investigation Commission publicly admonished a magistrate for posting memes on her Facebook page that created the appearance that she was pro law enforcement and anti-defendant in criminal cases, in addition to other misconduct. [Public Admonishment of Honaker](#) (West Virginia Judicial Investigation Commission August 4, 2023).

The West Virginia Judicial Investigation Commission publicly admonished a magistrate for posting a picture on his Facebook page of himself with the chief of police and sharing a post from the governor's highway safety program, in addition to other misconduct. [Public Admonishment of Sansom](#) (West Virginia Judicial Investigation Commission August 4, 2023).

Activity regarding political parties and candidates

The California Commission on Judicial Performance publicly admonished a judge for (1) participating in a Facebook group advocating for the recall of the county district attorney and (2) posting tweets, re-tweeting content, and liking tweets by others that expressed partisan viewpoints on controversial issues, suggested bias against particular classes of people, and were undignified and indecorous. [In the Matter Concerning O'Gara, Decision and order imposing public admonishment](#) (California Commission on Judicial Performance September 14, 2021).

Accepting a final submission on agreed facts, the Massachusetts Supreme Judicial Court publicly reprimanded a judge for posts on his Facebook account that expressed views on political candidates, political figures, and issues and posts that could create the appearance of bias based on gender, ethnicity, or immigration status. [In the Matter of Michaud, Order](#) (Massachusetts Supreme Judicial Court December 22, 2022).

A judge may support a judicial candidate on social media but may not "publicly endorse a candidate for nonjudicial office." [Michigan Judicial Social Media FAQs](#) (2020).

The Michigan Judicial Tenure Commission admonished a judge for, in addition to other misconduct, a campaign banner supporting his wife's candidacy on his public Facebook page. [Letter to LaSata](#) (Michigan Judicial Tenure Commission December 12, 2023).

The Minnesota Board on Judicial Standards publicly reprimanded a judge for endorsing or opposing candidates for public office on his Facebook page by, for example, “liking” Donald J. Trump’s Facebook page and posts on Trump’s page and posting newspaper photos of himself piloting a boat in the Trump Boat Parade. [In the Matter of Quinn, Public reprimand](#) (Minnesota Board on Judicial Standards March 9, 2021).

In its [2021 annual report](#), the Minnesota Board on Judicial Standards stated that it had privately cautioned 2 judges that “‘liking’ the page of a candidate for public office could be construed as support or opposition of a candidate for public office” and “encouraged the judges to monitor and maintain strict privacy settings on their Facebook accounts.”

Based on the judge’s admissions, the Montana Supreme Court suspended a judge for 30 days without pay for, in addition to other misconduct, publicly endorsing 2 partisan candidates for non-judicial offices on her personal Facebook page. *Inquiring Concerning Harada* 461 P.3d 869 (Montana 2020).

In its [2022 annual report](#), the New Mexico Judicial Standards Commission reported that a judge who allegedly publicly endorsed political candidates and made public political statements on a social media website successfully completed an informal mentorship focused on political activity and use of social media and completed a course on judicial ethics and social media from the National Judicial College.

Accepting an agreed statement of facts and joint recommendation, the New York State Commission on Judicial Conduct publicly admonished a judge for, during her campaign, posting an invitation to a fundraising event for the county Republican committee on Facebook 4 times, in addition to other misconduct. [In the Matter of Coffinger, Determination](#) (New York State Commission on Judicial Conduct February 23, 2022).

Based on an agreed statement of facts and recommendation, the New York State Commission on Judicial Conduct publicly censured a judge for endorsing a candidate for elective judicial office and a candidate for election to an area school board on her Facebook page. [In the Matter of Nunnery, Determination](#) (New York State Commission on Judicial Conduct August 9, 2023).

In its [2020 annual report](#), the New York State Commission on Judicial Conduct stated that it issued a letter of dismissal and caution to a judge for making an inappropriate Facebook post concerning a candidate for elected office.

In its [2021 annual report](#), the Pennsylvania Judicial Conduct Board reported that it had sent letters of counsel to (1) a judge who posted remarks and photographs on their Facebook page expressing support for a particular political party and candidates and expressing a negative opinion about certain U.S. Supreme Court opinions and justices; and (2) a judge who posted a photograph on Facebook and made comments to the media about the photograph that manifested a preference for a particular political party.

In its [2017 annual report](#), the Pennsylvania Judicial Conduct Board stated that it issued letters of caution to (1) a judge who made posts on a social media site that appeared to endorse policy positions of a political party and re-posted a photographic advertisement of a local fundraising event for a charitable institution; (2) a non-candidate judge who publicly endorsed the re-election of another magisterial district judge by social media post, mistakenly believing the post was private; and (3) 2 judges who, while standing for re-election, publicly endorsed on social media the re-election of another magisterial district judge who was not a candidate for the same judicial office and who did not appear on the same ballot.

The Texas State Commission on Judicial Conduct publicly reprimanded a judge for posting campaign advertisements for other candidates on his Facebook page and sitting in the campaign tent of 3 candidates during the election. [Public Reprimand of Lopez](#) (Texas State Commission on Judicial Conduct June 6, 2018).

The Texas State Commission on Judicial Conduct publicly warned a judge for affirmatively allowing a photo constituting an endorsement of a candidate for county commissioner to be posted on his Facebook page. [Public Warning of Madrid](#) (Texas State Commission on Judicial Conduct April 3, 2019).

Agreeing with the State Commission on Judicial Conduct, a Texas Special Court of Review publicly admonished a judge for publicly endorsing a candidate for director of an electric cooperative and authorizing the use of his name, title, and likeness on materials supporting her candidacy in mailings and on social media. [In re Oakley, Opinion](#) (Texas Special Court of Review October 25, 2019).

The Texas State Commission on Judicial Conduct publicly warned a judge for endorsing his brother's campaign for school board on his Facebook page. [Public Warning of Saucedo](#) (Texas State Commission on Judicial Conduct December 5, 2019).

The Texas State Commission on Judicial Conduct publicly warned a judge for her Facebook activities in support of a friend's campaign for city council, in addition to other misconduct. [Public Warning of Woodard and Order of Additional Education](#) (Texas State Commission on Judicial Conduct October 28, 2020).

The Texas State Commission on Judicial Conduct publicly warned a judge for posting on Facebook support for judicial candidates, opposition to candidates for other offices, a negative comment about Scientology, and a meme about border crossings. [Public Warning of Baca Bennet and Order of Additional Education](#) (Texas State Commission on Judicial Conduct August 16, 2021).

Based on the judge's resignation and agreement to be disqualified from judicial service in the state, the Texas State Commission on Judicial Conduct agreed not to pursue a notice of formal proceedings alleging that the judge, in addition to other misconduct, made Facebook posts or

allowed posts to appear on her Facebook page that promoted the campaigns of several candidates for public office. [Fernandez](#), Voluntary agreement to resign from judicial office in lieu of disciplinary action (Texas State Commission on Judicial Conduct October 22, 2021).

The Texas State Commission on Judicial Conduct publicly reprimanded a judge for maintaining a Facebook page on which materials supporting his wife’s campaign for county commissioner appeared, in addition to other misconduct. [Public Reprimand of Alvarez and Order of Additional Education](#) (Texas State Commission on Judicial Conduct October 29, 2021).

The Texas State Commission on Judicial Conduct publicly admonished a former judge for authorizing the public use of her name to endorse her clerk as her successor, including an article in which she endorsed the clerk on her Facebook page and being tagged by a friend on the article. [Public Admonition of Watkins](#) (Texas State Commission on Judicial Conduct October 27, 2023).

Based on the findings and recommendation of the Judicial Conduct Commission, the Utah Supreme Court suspended a judge for 6 months without pay for, in addition to other misconduct, asking in a Facebook post about then-presidential candidate Donald Trump: “Is the fact that the IRS has audited you almost every year when your peers hardly ever or never have been, something to be proud of? What does that say . . . about your business practices?” *In re Kwan*, 443 P.3d 1228 (Utah 2019).

Judicial election campaigns

The Arizona Commission on Judicial Conduct publicly reprimanded a judge for, while a candidate, having a small image on his Facebook page with a logo that stated “Andrew Hettinger Justice of the Peace” without “elect” prior to his name or “for” between his name and the position he sought, in addition to other misconduct. [Hettinger, Amended order](#) (Arizona Commission on Judicial Conduct May 31, 2017).

A judicial candidate may not establish a Facebook page that would request individuals to sign petitions to permit the candidate to qualify without paying the fee otherwise required by law, but a committee of responsible persons may do so as long it is clear that the Facebook page is not maintained by the candidate personally. [Florida Advisory Opinion 2017-24](#).

A judicial candidate may post, share, promote, or send to her social media friends her campaign kick-off party invitation if it does not solicit contributions or support but may not share an invitation to the campaign’s “Kickoff Fundraiser” or her campaign’s social media website if the website suggests that the viewer contribute to or support the candidate or provides a link for contributions and support. [Florida Advisory Opinion 2019-22](#).

A judicial candidate’s campaign committee may maintain a Facebook page and post on the candidate’s behalf communications written in the first person about, for example, campaign

events, candidate appearances, public speeches, and the candidate's qualifications provided the "first person" communications do not seek or solicit financial support or public statements of support. [Florida Advisory Opinion 2020-10](#).

Judicial candidates may include on campaign websites or social media pages a video of the candidate personally describing their experience, qualifications, and similar subjects; an invitation to potential followers to watch the campaign website for updates and to submit questions to the candidate; and personal requests for support in both English and Spanish as long as the candidate does not ask for donations or other financial support and the candidate's answers to voters' questions do not constitute promises of future conduct or other prohibited statements. [Florida Advisory Opinion 2020-13](#).

A judicial candidate may post a message asking for votes and support in social media groups that are composed of politically active individuals but that do not appear to be sponsored by any particular political organization. [Florida Advisory Opinion 2020-16](#).

The Florida Supreme Court removed a judge from office for statements in e-mail advertisements and on Facebook that implied that her opponent was unfit for judicial office because he was a criminal defense attorney, for example, stating, "Attorney Gregg Lerman has made a lot of money trying to free Palm Beach County's worst criminals. Now he's running for judge!" *Inquiry Concerning Santino*, 257 So. 3d 25 (Florida 2018).

Based on stipulations of fact about the judge's campaign flyers and digital placards on Facebook, a hearing panel of the Kansas Commission on Judicial Conduct ordered a judge to cease and desist from using photos of himself or his dog in his courtroom in campaign materials and from making misleading statements about his opponent. [Inquiry Concerning Hatfield](#) (Kansas Commission on Judicial Conduct July 16, 2021).

In a [statement](#) prompted by a complaint by an incumbent court of appeals judge against her campaign opponent, the Kentucky Judicial Campaign Conduct Committee cautioned judicial candidates about "misleading or false third-party posts on their social-media platforms" and stated that "they are ultimately responsible for material posted on their social-media pages and should remove information that is false or misleading."

A judge who is a candidate for election may use her personal social media accounts to notify the public of campaign fundraising events and seek financial support. [Maryland Advisory Opinion Request 2019-30](#).

Judicial officers and judicial candidates may advertise their own campaigns on personal or professional social media accounts but may not use those accounts to solicit or accept campaign contributions. A judicial candidate's campaign committee may solicit contributions through social media platforms. [Michigan Advisory Opinion JI-147](#) (2019).

Based on the judge's admissions, the Montana Supreme Court suspended a judge for 30 days without pay for, in addition to other misconduct, having endorsements from 2 partisan candidates and a political organization on her campaign Facebook page. *Inquiring Concerning Harada* 461 P.3d 869 (Montana 2020).

The Nevada Commission on Judicial Discipline publicly reprimanded a former judge for her campaign's posting of a photoshopped picture of herself and Dwayne "the Rock" Johnson on her campaign Facebook page, misleading the public into believing that the actor had endorsed her re-election, and for subsequently commenting on the post. [In the Matter of Almase, Findings of fact, conclusions of law, and imposition of discipline](#) (Nevada Commission on Judicial Discipline October 22, 2018).

In its [2019 annual report](#), the New Mexico Judicial Standards Commission stated that it had issued a cautionary letter to a judge who allegedly shared posts on their campaign Facebook page for a non-partisan election that identified the political parties of the judge and the judge's opponent.

Based on an agreed statement of facts and recommendation, the New York State Commission on Judicial Conduct publicly censured a judge for, during her election campaign, liking or replying to crude comments on Facebook by her supporters about her election opponent, in addition to other misconduct. [In the Matter of VanWoert, Determination](#) (New York State Commission on Judicial Conduct March 31, 2020).

Subject to generally applicable limits on campaign speech and conduct, a judicial candidate may permit their campaign committee to establish a Twitter account to keep voters and community leaders informed about events, to direct them to the campaign website, and to "follow" the candidate's opponent and/or other candidates. [New York Advisory Opinion 2021-40](#).

A judge who is seeking election or re-election may, during the applicable window period, record and post short videos on their personal social media accounts to connect with the public, to highlight the judge's qualifications, and to provide educational content on alternate dispute resolution and mediation. At the end of the window period, the judge must remove the videos from all social media accounts. [New York Advisory Opinion 2022-155](#).

A judge should not use social media to make false or misleading statements about or utilize demeaning, degrading, or insulting language towards a campaign opponent, other candidates, or political parties; should not use social media during court time for campaign purposes; and should not post photos on social media taken during official proceedings. [North Carolina Tips on the Use of Social Media](#) (2021).

Campaign communications disseminated through social media are subject to the same standards as other communications. As a best practice, judges and candidates should monitor comments on social media by followers and connections and remove offensive or profane comments from their public campaign page. [North Carolina Political Conduct Memo](#) (2022).

In its [2017 annual report](#), the Pennsylvania Judicial Conduct Board stated that it issued letters of caution to 2 judges who, while standing for re-election, publicly endorsed on social media the re-election of another magisterial district judge who was not a candidate for the same judicial office and who did not appear on the same ballot.

A judicial candidate may appear in campaign events or advertisements on social sites. [South Carolina Advisory Opinion 4-2022](#).

A judge who is running for retention may post on their campaign Facebook page the endorsement of a member of the House of Delegates who is running for re-election on the same ballot if the endorsement is simple and does not use the delegate's title. [West Virginia Advisory Opinion 2020-13](#).

Other issues

Judicial ethics advisory opinions

The use of social media raises several ethical considerations, including maintaining confidentiality, avoiding impropriety in all conduct, not lending the prestige of the judicial 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, avoiding association with certain social issues that may be litigated or with organizations that frequently litigate, and engaging in improper political activity. [American Bar Association Judicial Division Social Media Tip Sheet](#).

Judges may use social media to make statements about the law, the legal system, or the administration of justice, including legislation affecting the judiciary or the legal system, but judges must exercise caution and restraint; should assume the widest possible audience due to lack of control over the dissemination and permanence of on-line statements; may not engage in prohibited social or political commentary; must carefully evaluate what they intend to post; and must continually monitor reactions to their statements and the social media forums they use. [California Expedited Opinion 2021-42](#).

A judge may have a LinkedIn profile page that identifies them as a judicial officer and identifies the court on which they serve and may be pictured in robes in their profile picture as long as the photo is taken in an appropriate setting, for example, a courtroom or chambers. A judge may choose not to identify as a judicial officer on social media but should proceed as if every connection knows that they are a judge. Judges may generally post, repost, comment on, and react to topics concerning the law, the legal system, or the administration of justice, that is, issues concerning court administration and procedure. Judges must never post, repost, comment on, or react to anything that would violate the code of judicial conduct, including

posts, comments, or reactions that involve pending cases, non-public information concerning a case, or political activity or that demean a person based upon their race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, or socioeconomic status. Judges may post and repost public legal decisions from their own court or any state or federal court. Judges may post or repost neutral news reports on judicial decisions but should think twice about posting, commenting on, or reacting to articles praising or criticizing a decision. A judge must monitor comments and reactions to their posts. [Colorado Advisory Opinion 2022-5](#).

Judicial officers may have social media accounts as long as their activity does not violate the code of judicial conduct. [Michigan Advisory Opinion JI-147](#) (2019).

Judges should not expect that their use of social media will be the same as members of the general public. [Michigan Judicial Social Media FAQs](#) (2020).

A judge and a judicial association may publicly support or oppose proposed legislative or constitutional changes affecting court structure or court operations but should use discretion when expressing a position on social media. [New York Advisory Opinion 2019-120](#).

Any statement by a judge on social media “should be professional, dignified, and calculated to preserve the high standards of the judicial office.” A judge should be “mindful that even seemingly ‘private’ posts and messages can easily be captured by a screenshot and should follow the old adage ‘don’t put something in writing unless you want it read back in court.’” A judge must not publicly comment on the merits of pending cases on social media, engage in “running commentary on cases they hear,” or mock litigants, witnesses, or lawyers. A judge should not post “inappropriate, lewd, profane, inflammatory, or unprofessional content.” [North Carolina Tips on the Use of Social Media](#) (2021).

A pro-tem judge who serves more than 12 calendars a year may not publicly support a non-partisan, local ballot proposition to raise money for local parks and schools by a levy on property taxes by holding a sign on a sidewalk with a message of support or speaking in favor of the proposition on their personal social media page or on public social media pages, for example, a neighborhood Facebook group that limits its membership to those eligible to vote in local elections. [Washington Advisory Opinion 2022-2](#).

If a judge is alerted by a third party to Facebook posts allegedly by a defendant the judge sentenced that made negative comments about the judge, the victim, and a relative of the victim and called them names, the judge may not review or consider the posts or discuss the issue with the commissioner of the division of corrections and rehabilitation but should immediately refer the message from the third party to the prosecutor and the defense attorney to investigate its truthfulness and take any action that they deem appropriate. [West Virginia Advisory Opinion 2021-2](#).

Discipline decisions

The Arizona Commission on Judicial Conduct publicly reprimanded a judge for mocking a litigant in posts on his Facebook page; the Commission also ordered the judge to delete the post and to review an advisory opinion. [Urie, Order](#) (Arizona Commission on Judicial Conduct June 12, 2018).

The Arizona Commission on Judicial Conduct publicly reprimanded a judge for posting on his Facebook page a photograph of a litigant's request for an extension of time to complete defensive driving school because his puppy ate his paperwork, which prompted mocking comments. [Williams, Order](#) (Arizona Commission on Judicial Conduct March 21, 2022).

In its [2018 annual report](#), the California Commission on Judicial Performance stated that it had (1) privately admonished a judge who failed to diligently monitor social media associated with their name, in addition to other conduct; (2) issued an advisory letter to a judge who engaged in misconduct in connection with a social media account, in addition to other conduct; and (3) issued an advisory letter to a judge who made a comment on social media about a matter over which they did not preside and made no effort to preclude or avoid the use by others of the prestige of the judicial office or their title.

Based on an agreement, the Kentucky Judicial Conduct Commission publicly reprimanded a judge for sharing a news story on her Facebook account with the comment, "This murder suspect was RELEASED FROM JAIL just hours after killing a man and confessing to police." [In re the Matter of McLaughlin, Agreed order public reprimand](#) (Kentucky Judicial Conduct Commission June 12, 2018).

In its [2020 annual report](#), the Michigan Judicial Tenure Commission stated that it had cautioned a judge for a Facebook comment on a pending case about which there was significant public interest based in part on misinformation; although the judge had intended the post "to reassure and inform the public," it had appeared to be "a promise or commitment regarding how the judge would rule in the future on the issues that had generated the public interest" and created the appearance that "the judge had allowed public pressure to affect their impartial future performance of adjudicative duties, although there was no indication that the judge actually was influenced by any public sentiment."

Accepting an agreed statement of facts and recommendation, the New York State Commission on Judicial Conduct publicly admonished a judge for entering a property without the owner's permission, taking photographs of the property, posting the photos on Facebook with disparaging comments about the owner, and failing to promptly remove the post despite assuring the Commission that he would do so. [In the Matter of Fisher, Determination](#) (New York State Commission on Judicial Conduct June 26, 2018).

Accepting an agreed statement of facts, the New York State Commission on Judicial Conduct publicly censured a judge for publicly supporting the teachers at her daughter's school in

litigation with the board of education by making public comments about issues and individuals involved in the litigation in person, by email, and on social media platforms in which she was publicly identified as a judge, in addition to related misconduct. [In the Matter of Panepinto, Determination](#) (New York State Commission on Judicial Conduct December 9, 2020).

Based on an agreed statement of facts and recommendation, the New York State Commission on Judicial Conduct publicly censured a judge for, on her Facebook account, making profane, demeaning, and undignified posts and comments about her personal conduct and her role as an attorney and revealing that she had engaged in offensive and otherwise inappropriate personal conduct. [In the Matter of Nunnery, Determination](#) (New York State Commission on Judicial Conduct August 9, 2023).

In its [2018 annual report](#), the New York State Commission on Judicial Conduct stated that it issued a confidential cautionary letter to a judge who made inappropriate comments on Facebook.

In its [2020 annual report](#), the New York State Commission on Judicial Conduct stated that it issued a letter of dismissal and caution to a judge for allowing inappropriate comments to be posted on his Facebook account.

In its [2022 annual report](#), the Pennsylvania Judicial Conduct Board stated that it had issued a letter of caution to a judge for participating in a Facebook livestream regarding a defendant who then appeared before the judge for an arraignment and preliminary hearing.

The Tennessee Board of Judicial Conduct publicly reprimanded a judge for providing a “legal tip of the day” on Facebook, such as, “when stealing stealth is key” or remember that “the goal of criminal and bad behavior is to get away with it,” in addition to other misconduct. [Webb](#) (Tennessee Board of Judicial Conduct November 5, 2021).

The Texas State Commission on Judicial Conduct publicly warned a judge for disparaging another judge’s bond determination on Facebook and referring to the other judge’s family in doing so. [Public Warning of Crow and Order of Additional Education](#) (Texas State Commission on Judicial Conduct October 28, 2020).

The Texas State Commission on Judicial Conduct publicly reprimanded a judge for, in addition to other misconduct, after conducting an inquest for a friend, posting on Facebook: “I receive the phone call early this morning for an inquest. It’s very hard when it’s a friend, as I still have to do my job. Now sitting outside the house in my car. I’m finding it really hard not to break down. This world lost a GREAT WOMAN today in Bastrop as God has taken another angel too add to the kingdom that awaits us all. Rest in Peace Kat Stewart Handy.” [Public Reprimand of Thomson](#) (Texas State Commission on Judicial Conduct October 29, 2021).

The Texas State Commission on Judicial Conduct publicly admonished a judge for stating in a Facebook post that he would release anyone brought before him charged with violating stay-at-

home orders issued during the COVID-19 public health emergency. [Public Warning of Black](#) (Texas State Commission on Judicial Conduct February 28, 2022).

The Texas State Commission on Judicial Conduct [privately admonished](#) a judge who posted “Hope you burn in hell” on a company’s Facebook page.

The Texas State Commission on Judicial Conduct [privately warned](#) a former judge for advertising on his Facebook page for and performing weddings in a manner that suggested his provision of those services came by virtue of his being a judge, when in fact, he was not authorized to perform such services as an associate judge.

The West Virginia Judicial Investigation Commission publicly admonished a judge for posting on his Facebook page a photo showing him conducting an initial appearance. [Public Admonishment of Hall](#) (West Virginia Judicial Investigation Commission October 31, 2017).

Accepting the sanction recommended by the Judicial Hearing Board based on an agreement, the West Virginia Supreme Court of Appeals suspended a magistrate for 30 days without pay for his Facebook posts about a search warrant he had issued. *In the Matter of Williamson, Order* (West Virginia Supreme Court of Appeals April 15, 2021) (summarized in [annual report](#)).

The West Virginia Judicial Investigation Commission publicly admonished a judge for comments she made on her Facebook page about a pharmacist arrested for destroying COVID-19 vaccine dosages and about the siege at the U.S. Capitol. [Public Admonishment of Jackson](#) (West Virginia Judicial Investigation Commission February 24, 2021).

The West Virginia Judicial Investigation Commission publicly admonished a magistrate for, in addition to other misconduct, serving as an administrator for a neighborhood watch Facebook page that could lead a reasonable person to think he was biased toward law enforcement and an unseemly comment by his wife on the page that people thought the magistrate had posted. [Public Admonishment of Weiss](#) (West Virginia Judicial Investigation Commission April 25, 2022).

Based on the findings and recommendation of a judicial conduct panel, the Wisconsin Supreme Court suspended a former judge from eligibility for appointment as a judge for 3 years for a “pattern of obsessive conduct about whether [the court manager] liked him as a friend” and actions that were meant to intimidate her or to retaliate against her for reporting his conduct, including sharing information about the court manager on Facebook, complaining that she had “defriended” him on Facebook, and posting to his Facebook page that clear references to the manager, such as “[t]he sh— is not over. I might have an employee termination today. Not mine,” and “Few things are sadder than a co-worker who refuses to return a Merry Christmas greeting out of spite.” *Judicial Commission v. Kachinsky*, 930 N.W.2d 252 (Wisconsin 2019).