

COURT TRENDS

Judges to jurors: Stay off the Web

New instructions mention Facebook, Twitter, MySpace

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Juries have always been told to avoid trial information from newspapers, television or radio.

Now? Stay off Facebook and Twitter and don't use the Internet to "investigate" the case.

In October, the Indiana Judges Association issued updated instructions for juries that specifically mention Facebook, MySpace and Twitter.

Because trials are public, it's not a matter of information leaking out and effecting a trial's fairness.

"There is a national concern over jurors taking it upon themselves to investigate a case," based on articles in legal profession magazines, said Judge John Pera of Lake County Superior Court Civil Division 6.

Pera is chairman of the judges association and oversaw the instructions' development.

Besides the Internet, jurors are exposed to shows like "Criminal Minds" and "CSI."

People are inclined to investigate and talk about the information, Pera said. But posting information online exposes jurors to outside opinions.

Pera has seen a juror in another court dismissed for investigating Miranda rights online.

If they look up information, "they become advocates," Pera said.

So jurors are told to make decisions on the evidence, not to go near a crime scene and not to discuss the case except in the jury room with everyone present.

Pera said Porter County Circuit Judge Mary Harper was helpful in drafting instructions.

"She provided us with information she uses for jury trials



Bradford



Boswell

that were really right on," he said.

She said that it's keeping up with times, a matter of thinking about what jurors might or could do.

"Some jurors in some jurisdictions were putting information about cases on their social network sites," Harper said. "Some cases cost thousands of dollars, so I decided to add the line."

The new instructions are suggestions that judges might modify.

Judge Roger Bradford of Porter Superior Court 1 sees them as an extension of disregarding anything outside the trial, and he plans to use an abbreviated version at his next trial.

Judge William Alexa of Porter County Superior Court 2 and Judge Diane Ross Boswell of Lake County Superior Court Criminal Division 3 use general instructions.

"I think I cover it when I say don't use the Internet for anything," Alexa said. It's an extension of "do not investigate this on your own."

The Lake County criminal judges have not discussed the matter in their meetings yet, Boswell said.

"I'm assuming (jurors) know when they're on the Internet or Facebook, they're communicating with people," she said.

"I'm always open to change my position," she said.