

A JUSTICE SYSTEM WITHOUT JUSTICE

1

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A Justice System Without Justice: How Social Media Influences our Justice System?

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Abstract

Growing up, there were not many social media sites to connect with anyone or to provide any breaking news. For quite some time, technology has advanced so much that individuals do not watch the news on television or attend church services because of the capability of streaming. Social media networking sites such as Facebook, Instagram, and Twitter provide biased and sometimes factual newscast. The issue with these social media sites is that [there are a number of people on these sites who are](#) ~~they are~~ giving [their](#) opinions without verifying the information, and sometimes those opinions lead to a case getting thrown out. African American males between the ages of 18-25 have experienced tremendous negative feedback from various users on social media accounts. Government agencies are increasingly using social media to connect with those who serve and commit crimes (Bertot, J., Jaeger, P., Hansen, D. 2012).

Social nNetworking estimates over 5 billion users worldwide and is the top leading source for promoting businesses and political activities (Scandura, T. 2019). Social mMedia nNetwork sSites are increasingly attracting the attention of all generations of individuals for years to come. Social media network sites, such as Facebook, MySpace, and Instagram, attract millions of users, that access their accounts daily and connect many strangers based on shared interests, political views, or activities. Social mMedia nNetwork sites contain various topics and diverse audiences, while other sites attract people based on common language or shared racial, sexual, religious, or nationality-based identities (Boyd, D. & Ellison, N. 2008). As technology capabilities have others, so has the incorporation of new information and communication tools, such as mobile phones, blogging, and video-sharing, video-live streaming, and photo uploading.

Social mMedia nNetwork sSites are is-described as a-web-based services that allow individuals to construct a public or semi-public profile writing a bounded system, articulate a list of various other users with whom they share a connection, and view and traverse their list of contacts, and those made by others within the system (Boyd.D., & Ellison, N. 2008). Social media is a form of networking that emphasizes and builds a rapport between individuals or an organization by enabling users to communicate and make visible their social network accounts. Most networking sites ask users to create an account, reveal things about themselves, and display their personal information similar to a biography. Once the users create this profile, the user controls what they share on their page.

In 1997, the sSocial mMedia nNetworking sites were launched, but they it-did not receive a lot of buzzes. Although several more were created, nothing was better than MySpace in 2004 because it differentiated itself by regularly adding features based on user demand, and

A JUSTICE SYSTEM WITHOUT JUSTICE

4

individuals were able to personalize their pages (Boyd, 2006b). By July 2005, News corporation purchased MySpace for \$580 Million (BBC, 2005). Attracting massive media attention, this was an indication of a shift in the society and an organization of online communication. Social media network site's focus was to build friendships, connect with online businesses, and find missing individuals, and social media has become an outlet for individuals to voice their opinions about life, feelings, or whatever is going on. Most popular press coverages provide update news while emphasizing potential privacy concerns that interfere with the user's facebook profiles [a](#). And personal information.

Privacy is the users to control impressions and manage social contexts. Privacy options do not provide the flexibility to handle conflicts with friends and networks who have different opinions and some of the challenging legal conceptions of privacy. Hodges (2006) argues that the Fourth Amendment to the U. S. Constitution and legal decisions concerning privacy are not equipped to address social media network sites. This legality of this hinges on users' expectation of privacy and whether or not Facebook profiles are considered public or private.

-The [j](#)udicial system process refers to the rules of procedural law that consists of both hearing and determining cases in criminal proceedings, civil lawsuits, or administrative proceedings by constitutional claims (Law Teacher, 2003). The [j](#)udicial process involves judges and juries who explain and apply the law in resolving a dispute as well as administering justice. The process puts consideration of the rules that determine the roles of judges and the juries in the courtroom. While the process is an Irie fleet, there should be rules, fairness, and consistency to be ensured to facilitate the application of fundamental justice. The courts involved in these hearings and proceedings have applied these rules equally in all the cases presented before it. The judicial processes can be understood as the rules that touch on the responsibility presented

upon the judge and jury within the courtroom (Law Student, 2004). Some legal cases have gained worldwide attention due to the effect of online networking in courtrooms.

Social media helps attorneys to learn about their clients and their past. Peer -to- peer communication is essential to the task of publicizing a new product or trend. While monitoring social media message boards in the news media blogs, information such as individuals profiles is studied. This is where the opinion and attitudes come in to play, and CNN, MSNBC, and other news outlets cover stories of various cases.

[Review of Literature](#)

Social Media and Jury Concerns

Trial attorneys are now concerned with potential jurors for their Twitter handles and other social media information. ~~According to~~ Attorney Tomasz Stasiuk recommends in his article, [“Twitter in Court: Find Out Who Is Tweeting”](#). ~~Stasiuk~~ points out that Twitter is "a huge back channel" that reveals what people are thinking and discussing with their friends: "The more people feel they are trapped somewhere they do not want to be. the more likely they are to tweet about it to their friends."(www.thebalancesmb.com). During jury selections, the attorneys should attempt to identify the social media accounts of jurors and study their public posts, making sure the person they find online is the same individual in the courtroom. It is suggested that attorneys to remember not to commit any ethical violations in this process, such as using a fake identity or getting a third party to access the person's pages restricted” (www.thebalancesmb.com).

An example of jury misconduct happened while the attorneys representing Conrad Murray during jury selection, screening jurors based on their Twitter and Facebook posts. The jury questionnaire asked the jurors to reveal information about their social media posts, such as

whether they had publicly commented on Conrad Murray and his involvement with Michael Jackson's death. The lawyers also studied information that was publicly available online about the jurors. Social media offers an opportunity for attorneys to learn far more about jurors than they could in the past because the Internet was not available. Some people do not realize how much information is collected about people through this source, but it would be far more disturbing to allow someone who is uploading negative comments about their client to sit on the jury.

Social Media and Unethical Jurors

In 2014, studies showed from a Reuters Legal article that the rate of jurors tweeting or posting comments on social media during trials is shockingly high, and it has resulted in many individuals receiving a new trial and overturned verdicts. For an attorney to access the juror records, one must request a judge in order to release their social media records. In California, a juror posted messages on Facebook during the trial, including one about how tedious it was going over some of the evidence. The individual insisted that he did not comment on the evidence and but he did not express an opinion about the defendant's guilt. However, he was ordered to turn his Facebook records over. The juror refused and filed an appeal; he argued that the federal law protects the material from disclosure unless the police have a warrant (www.thebalancesmb.com).

Public opinion does affect the views of individuals regarding court cases. The Arkansas Supreme Court overturned a capital murder conviction and death sentence and ordered a new trial because a juror had repeatedly tweeted comments during the hearing and even during jury deliberations. During the trial, they stated that the defendant did not suffer any prejudice; however, the Arkansas Supreme Court disagreed and said that the juror's tweet'd formed a public

discussion of the case. They went on to recommend that the court system considers limiting juror access to mobile devices during trials because of the risk of this conduct and because mobile devices give jurors access to a wide range of information, they should not be considered in their deliberations. Social media conduct creates opportunities for lawyers to understand the beliefs of potential jurors better, and it may even provide grounds to challenge jury verdicts on appeal or even in post-conviction proceedings in criminal cases (www.thebalancesmb.com).

Effects of Social Media in Law

Over the last decade, the development of social media and the ability for users to communicate drastically changed the news media view. Social media online communities allow many users to unite over various issues and form influential widespread interest groups. The social media sites are user-generated news stories, opinion blogs, message boards, interest-based websites. Since the advancement of technology, the social media account holders use the thoughts of internet users, their reviews and opinions have become the source to get objective news. Social media impacts individual's households, relationships, and our legal system. Social media has become a new means for individuals to use for research and to influence public opinion. Attorneys and police departments use personal information on social media sites to their advantage because of individuals record and voluntarily upload things on social media. They have attempted to manipulate social media to influence the opinion of the public and jurors (www.cleancutmedia.com)

An example of a social media tactic to which a court objected took place on December 2008, when a plaintiff's lawyer in a local fraud case attempted to influence public opinion by posting an excerpt of a defendant's deposition testimony on YouTube. Judge Roberta Lloyd of Harris County, Texas, Civil Court in Houston ordered the law firm to remove the excerpted video

deposition from YouTube primarily because it was not officially a "public record" and had not been appropriately filed with the court. Lara Buys, 22, on trial in Santa Barbara County, Calif., Superior Court, received two years in prison after posting pictures on the Internet of herself drinking and partying just months after causing the death of her best friend in a drunken-driving accident. Jessica Binkerd, 22, was sentenced to five years by Santa Barbara Superior Court Judge Brian Hill for a fatal DUI accident. During the trial, Binkerd was advised by her defense attorney, Steve Balash, to remove incriminating photos of herself on her MySpace profile page. She neglected to do so, and this cause jail time and bias opinion.

News media is the newest trend that tells who wants to know, who is saying what to whom, why, to what extent what effect, are looking toward the latest trends in social media. According to Internet World Stats Usage and Population Statistics, 72.5 percent of the U.S. population is online. According to Reuters, 70 percent of Americans believe that traditional journalism is out of touch. "More Americans turning to Web for News," Reuters.com, Feb 29, 2008. The Internet has shown the most significant increase in popularity as a news source, with 31 percent of Americans now saying it is a daily news source. This marks a nearly 50 percent increase since 2006 and a more than 100 percent increase since 2002. The use of the Internet as a news source has increased each time Gallup has asked about it, beginning in 1995.

Peer-to-peer opinions are considered the most credible and have more influence on the Internet today. It is common for the mainstream news media to report on negativity and corruption by a local and federal government official, which causes widely conflicting opinions. Social media analysis conducted before trial found a more significant number than expected of supporters for that official. (www.cleancutmedia.com)

How Social Media Has Changed Coverage of the Judiciary

The introduction and advancement of social media have changed the way journalists report the news. It is time for the courts to educate themselves about the shift in the media, and changes will impact the courts. In today's society, hundreds of individuals watch trials online, police chases online, and make their opinion off of the information that is revealed. Since then, social media coverage of lawsuits has increased as the popularity of social networks, and the media's use of them has increased. The growing trend of media coverage of the courts is causing the courts to struggle with handling the usage of cellphones. In some courtroom, video cameras and photography are not allowed in many courtrooms. Now news reporters do not need satellite feeds or expensive video equipment because they use their smartphones. It would alleviate the concerns many judges have about the obtrusive nature of television cameras or photography. This approach offers the public a way to get information about the proceeding as it happens in courts that do not allow video coverage (Boyd, & Ellis, 2008). Some of the changes that social media created in media coverage is the rapid pace of information is circulated. The Internet has been around for several years, and it does not take long for information to be distributed on a web site. Social media is the reason that the news is shorter and more effective.

Social Media are Journalist

Some of the concerns in the world of social media and news are that citizens and journalists are so stubborn. Individuals use their smartphones, laptops, and blogging to share information and communicate their opinion, which can hinder any court cases. In recent years, news has become a two-way conversation increasingly. We have seen this for several years now,

as many news organizations allow comments on their articles. This technology offers incredible opportunities for the public to engage in a dialogue with the media and share their insights. Despite all of its downfalls, social media offers the tremendous benefit of reaching an audience that may not typically read about the courts. Social media use tips to a younger audience, which creates an excellent opportunity to inform and educate this population about how the legal system works. Instead of relying solely on journalists to disseminate information about the judicial branch, courts can utilize social media to make their news. Twitter, Facebook, YouTube, Flickr, LinkedIn, and blogs offer a unique opportunity to reach the public in the places where they already hang out online. This is perhaps one of the most significant shifts in how media has changed.

Press releases and traditional media channels are still valuable; courts have the unique opportunity to spread information without relying solely on the press to do all the legwork. There are numerous courts across the country that use social media to inform the public about the plans of the judiciary proactively. Several courts, such as the Indiana Supreme Court, New Jersey Supreme Court, and the U.S. Federal Courts, share videos on YouTube to educate and inform the public about the courts and how they operate. Each channel has received thousands of views. Indiana's videos have been viewed more than 150,000 times, proving there is a public interest in the information. Fulton County Superior Court in Georgia and Maricopa County Superior Court in Arizona use Facebook to promote free legal clinics and classes and show what to expect in jury duty. Tennessee courts use Twitter to post last-minute filings during looming executions. This has proved a valuable way to get information to the public and the media quickly and efficiently. Thanks to Twitter, the public information officer was able to quickly let

the press and public know when oral arguments were scheduled with less than 24 hours notice (Boyd, D., & Ellison, N., 2008).

These are just a few examples of how the courts are leveraging social media to their benefit. The planned use of social media can be beneficial to the courts.

Courts should consider proper rules to govern the media's use of social media in the courtroom. According to Boyd & Ellison (2008), the New Hampshire Supreme Court amended its media rule to include provisions about smartphones. In their practice, electronic devices are permitted in the courtroom, provided they remain on "silent mode." The Arkansas Supreme Court forbids the use of electronic devices completely to prevent the use of e-mail or social media during trials. Several courts across the country do not have guidelines, leaving the media to guess what is considered appropriate. Developing proper rules will help both the courts and the media understand what constitutes acceptable smartphone use in court.

As demonstrated earlier, a number of courts have used social media to enhance public-outreach efforts. Courts should examine possible ways to implement social media to assist with the ongoing need to educate and inform the public. It is important to acknowledge who is a journalist and enforcing rules in place about who is a journalist will help both the courts and the media understand who is allowed to cover a proceeding. This also safeguards that coverage is approved relatively and equally. If the courts decide to participate in social media actively, it is their responsibility to observe what is being said about the courts on social platforms. Individuals should pay attention to what reporters and the public are saying, which may help the legal system consider new ways to communicate information to help prevent errors and better inform the public. It also allows the legal system and court staff to recognize when a response is needed to correct the mistakes. The reporters are being said about the courts is an important task to help

protect the integrity of the information that is being shared about the courts. Courts are particularly slow to adapt to change, but it is imperative to understand the increasing trend of social media and how it affects the coverage of the courts. Recognizing the changing landscape of the press is critical to remaining relevant and accessible to the media and public in this new environment (www.ncsc.org, 2011).

Social media have altered how we communicate and how it has changed the media, politics, health, education, and the law. The popularity of social media platforms such as Facebook, Twitter, and Snapchat has altered the way we understand and experience crime and oppression. It is commonly known that people form their opinions about crime from what they see or read in the media, whether it is true or false. However, since social media taking over the preferred news source, its social media outlets such as facebook. Harassment on social media platforms is not prevalent, as well. Social media can assist with agencies to solve crimes, among other things. Facebook and Twitter, police, and the public can communicate while incidents are occurring. Social media has also become important in police investigations and is used to speed up more crimes such as revenge, triggering calls for harsher punishment. When individuals are involved in crimes such as murder, police harassment, and threats have been conducted in new ways through social media.

Social media has changed the nature of post-crime behavior. The "couch detectives" are eager to identify suspects, often weigh in on social media, which can at best be distracting for law enforcement and, at worst, result in innocent people being wrongly accused (LawTeacher, 2003). Trial by social media has become increasingly concerning for those working in the criminal justice system. Activity on Facebook and Twitter poses a threat to trials and the right to a fair trial through procedures such as sharing photos of the accused before an indictment, which

creates hate groups, or jurors sharing their thoughts about a case online. Social media is used as a deterrent through which the friends and families of victims of crime are exposed to secondary victimization. As stages develop and new issues emerge, social media will continue to provide challenges and opportunities for criminal justice officials, as well as change the way the public perceives and engages with issues of crime and victimization. Social media is here to stay, and individuals should learn to accept it and capitalize on its benefits and prevent or minimize its adverse effects in relation to crime and the criminal justice system (www.theconversation.com).

Social media are employed by a majority of internet users from ages 18-29 years olds daily.

Overall, 72% of adults and 87% of teens use text messaging daily instead of telephonic conversation. With Facebook users steadily increasing, there has been a growing development in social media addressing national issues. In July 2010, Facebook reported that it had over 500 million users (Leibhart, 2010).

Methods of Research

The qualitative research included some questionnaires, surveys, and interviews to find out individual's opinions on social media and the justice system. The [Telecommunications Act](#) of 1996 promotes the development and implementation of accessible information and communication technologies used online. Section 508 requires that electronic and information technologies purchased, maintained, or used by the federal government meet certain accessibility standards designed to make online information and services fully available to people with disabilities. Social media's increasing trend raises a large number of information management issues, mainly for security, privacy, accuracy, and archiving. The purpose of social media bloggers and news media is to plea to a capacity of individuals in hopes of connecting with the government and implementing changes. For individuals to get a fair trial, they must have policies

and social media objectives in place. Privacy, security, and accuracy are important to determine the privacy of individuals and decide what information is used to build social and political trust. Establishing policies that can ensure technology does not affect the decisions made in court cases afternoons are filled with Fox News, CNN, and MSNBC. The New York Times, The Wall Street Journal, and other major daily newspapers are updated online, as the print versions seem out of date even before issues land on the truck for delivery. Social media platforms are in action, with Twitter, Facebook, Instagram, and others providing an uninterrupted stream of political content.

Legislative and executive representatives understand the power of the media and use these platforms to communicate with their residents. These media platforms help our elected political leaders propose, explain, discuss, debate, shape, pass, and implement new laws and policies. Legislative and executive officials are agents of the people whose primary function act as activists for the best interests of their electorates. The social media can act as a negative factor for the judicial branch for judges who do not represent the voters because judges represent the law.

The rise of social media platforms has created numerous new avenues for judicial departure. Judicial impartiality, legal propriety, nonpolitical activity, and judicial campaigns can all go wrong in an astoundingly short amount of time behind a keyboard. One of the main issues with social media is the speed in which a judge can thoroughly eliminate the appearance of their impartiality.

The post encouraged an investigation into the Facebook account, which uncovered extensive political postings. Apparently, the judge had endorsed a presidential candidate, fundraised for a local church, and made other inappropriate posts. Ultimately, the judge admitted

that, he had not discussed the exact estate at issue, the community was nonetheless aware of the Prohibition on Certain Political Activity.

After that, explicit prohibitions, many judges have improperly engaged in political activity. One judge was involuntarily transferred for, posting photos and comments from the bench and having a link for an attorney's campaign poster on his MySpace account. The judge went on to enthusiastically name on Facebook, the candidate who would receive his vote. A judge in Kentucky was privately reprimanded for liking "the Facebook pages of lawyers, law firms, and judicial candidates." A Texas judge was publicly warned for calling her opponent an offensive name on Facebook. A Florida judge was suspended for 30 days without pay for using social media to ask her friends to help her judicial-candidate husband. Finally, a judge in Utah found himself in hot water over comments about a candidate for president of the United States. Among other disciplinary issues. The judge posted unsavory remarks about the candidate online. He ultimately was suspended for six months without pay.

While judges have been navigating traditional media outlets for decades, social media represent relatively uncharted territory. Any judge engaging with social media should not do so blindly. Judge McAuliffe explains that a "judge should keep in mind that there is no 'one size fits all' approach to the ethical issues that may be presented." Judges should be not only cognizant of but also "sensitive the arrangement of ethical issues that may arise from the use of social media."

It is recommended that all online activities involving social media, a judge or attorney should not reveal any confidential, sensitive, or nonpublic information obtained through the court. A judge and attorney should analyze any potential post, comment, or blog as thoughtfulness from ratifying political views, engaging in an interchange that disgraces the prestige of the office, commenting on issues that may arise before the court, or sending the impression that another has

unique access to the court. Any comment or exchange between an attorney and the judge also must be scrutinized so as not to constitute an ex parte communication. A judge or attorney should avoid using social media to comment about the competence of a particular law firm or attorney or give the impression that a person or firm is in a unique position to influence the judge. On social media, a judge would be permitted to discuss and exchange ideas about outside activities that would not pose any conflict with official duties, however, the judge must always consider whether those outdoor activities invoke a potentially debatable issue that might present itself to the court or show that the court may not be impartial. A judge or attorney should not detract from the dignity of the court by posting inappropriate photos, videos, or comments on a social networking site. All judges should be wary of social media, including friend requests, posts, comments, "likes," "endorsements," and perhaps even "shares." As discussed above, such platforms represent the ability to irrevocably alter one's reputation and employment status with the click of a mouse (Rolnick, A. C. (2019)).

Conclusion

A judge's misbehavior, the integrity of the entire judicial system is eroded. Numerous examples of judicial misconduct involving all forms of media have been thoroughly documented and well-publicized. While politicians may flourish in the media, the judicial branch is distinctively situated in the government as neutral arbitrators of the law. Every judge should labor to ensure this status is maintained and strengthened in the public eye.

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A JUSTICE SYSTEM WITHOUT JUSTICE

20

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A JUSTICE SYSTEM WITHOUT JUSTICE

21

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