



Social media policies for employees in state courts

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Judges getting reprimand for use of social media has highlighted once again the need for clear social media policies for court employees. According to Backlinko.com, [4.48 billion people currently use social media worldwide](#), up more than double from 2.07 billion in 2015. Social media is not only used as social interaction, but also to promote business and generate sales through platforms like Facebook and Instagram. Social media has become the most common forum to express oneself. Courts have grappled with balancing freedom of speech when the position of employees is known and the reputation and integrity of the courts. Some courts have created guidelines in their ethics codes for when employees are using social media outside of work if that could represent a violation of their state court ethics code.

[The National Labor Relations Board](#) determined that an employer's social media policy was valid even when prohibited employees used social media to post or share photos of coworkers and used the logo of the company to denigrate others. "It held that the employer's prohibitions, when read in the context of the guidelines, were lawful."

In Forbes' "[What Employers Should Consider When Drafting A Social Media Policy](#)," employers must recognize and respect the rights of their employees, but also protect the interests of the organization. Forbes also suggests that employers should be clear on the purpose of the policy; distinguish company-affiliated posts from personal posts; be specific about the content that is in scope; reference established policies; and review and update policies frequently.

The Maryland Judiciary has a subchapter of their Judiciary Employee Handbook dedicated to [policy on social media](#). It governs not only the official use of social media for judiciary purposes but also considers the use of social media by its employees outside of the work environment. The rules cover employees outside of work in three instances: when employees are identifying themselves as a judiciary employee, public comments or postings, and posting of information concerning the judiciary.

The Michigan Judiciary also has [Trial Court Standards and Guidelines for Websites and Social Media](#). The guidelines have three sections and serve as the statewide minimum standard for trial

courts when creating and maintaining a website and social media. They help courts develop policies for their employees when using social media for the benefit of the court.

Has your court recently updated its social media policy to address employee behavior? Share it with us Knowledge@ncsc.org or call 800-616-6164. Follow NCSC on [Facebook](#), [Twitter](#), [Instagram](#), [LinkedIn](#), or [Vimeo](#).