

Checking on jurors

The American Bar Association has just sanctioned the use of social media for attorneys in both jury selection and to monitor jurors during the course of the proceedings.

In those cases, where both time and physical resources would make it practical to mine potential jurors' websites or postings, the ABA's rule is both logical and necessary.

When picking a jury, you are faced with asking complete strangers questions with the intent of learning about them and determining whether they can be fair to your client. By and large, you are bound by their answers, never knowing whether they have been honest and straightforward with you, or to themselves. Their belief that they can be fair may be belied by their previous actions and certainly their comments.

Having the ability to simply check things that they may have posted, comments that they have made, or positions that they have taken on issues, is a much better way of finding out what these potential jurors are about, as opposed to asking the standard question and getting the usual answer. Many who sit as potential jurors respond to questions with answers they feel are supposed to be given as opposed to their true feelings. In essence, they conform to the group.

The use of social media to see what these people really are about only can add to the potential that a jury will be fair and impartial. Anything that can add to that stated goal of the system is something that we should embrace and use.

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