

DEMOCRATIZING THE JUDICIARY: WHY JUDGES SHOULD ENGAGE “WE THE PEOPLE” THROUGH SOCIAL-MEDIA PLATFORMS

Stephen Louis A. Dillard*

Judges are different, but we are not special. And for far too long, many judges have acted as if being a neutral interpreter of the law somehow makes them a different *and* special kind of public servant—one that should, out of supposed necessity, be largely detached from and inaccessible to the public.

The cultural relationship between American judges and the people they serve, then, has typically been one at arm’s length.¹ Judges—unlike other public officials—

*Presiding Judge, Court of Appeals of the State of Georgia. *See Presiding Judge Stephen Louis A. Dillard*, THE CT. OF APPEALS OF THE STATE OF GA., <https://www.gaappeals.gov/stephen-dillard/> [<https://perma.cc/843S-US3N>] (last visited July 28, 2025). I want to thank my wonderful bride, Krista McDaniel Dillard, for her unwavering and loving support for the past thirty-two plus years; my children (Jackson, Lindley Kay, and Mary Margaret), who have been a tremendous source of strength and inspiration throughout my professional and academic pursuits; my dear friend and favorite co-author, Justice Bridget Mary McCormack, who helped me think through so many of the issues highlighted in this article, and whose brilliance, patience, and kindness made this expanded version of our prior essay possible; my longtime staff attorney, Tiffany D. Gardner, for carefully reading this article and offering helpful remarks; Professor Marin Levy, who was an amazing, patient, kind, and generous faculty advisor, and whose feedback on the original draft of this article was indispensable; Professor Jack Knight, who is a phenomenal teacher and was an invaluable resource throughout the drafting process; and the Duke University School of Law and Bolch Judicial Institute, for giving me the honor of participating in their life-changing Judicial Studies LLM program.

1. *See* Morgan Christen, *We Can Do Better*, JUDGES’ J., Summer 2024, at 20, 20 (noting that “[a]lthough it is understandable and perhaps unavoidable that

have been (rightly, I think) viewed as nonpartisan public servants; and, as a result, we have mostly been exempt from the usual expectations of accessibility and transparency the public has for executive and legislative officials.² So, unsurprisingly, judges are “far less likely to interact with their constituents on a regular basis.”³ Indeed, judges typically “toil away in cloistered courthouses in relative anonymity, making decisions in civil and criminal matters of the utmost importance.”⁴ This approach to public service does little to engender the trust of the people we serve. But things are starting to change. Many of us—read: elected state court judges—have little choice but to venture out into the real world and engage with the people we serve. And while these public-facing appearances are, undoubtedly, “motivated by a commitment to civic responsibility, elected judges

judges are somewhat removed from their communities, there is also little room to doubt that the public would have more confidence in the judiciary if the public knew more about how courts operate”); Michael L. Boyer, *Contract As Text: Interpretive Overlap in Law and Literature*, 12 S. CAL. INTERDISC. L.J. 167, 172 (2003) (characterizing judges as “arguably an interpretive community removed from society at large”).

2. See Elisha Carol Savchak & Amanda Ross Edwards, *Why Are State Judges Among Us?* JUDICATURE, Summer 2016, at 20, 21 (“Events that bring together public officials and citizens have traditionally been the purview of legislators, governors, and presidents. . . . Public service involves judges’ goals to educate the public, while self-interest includes the desire to both enhance institutional legitimacy and secure reelection prospects for those who must face elections. A better understanding of judicial outreach practices may also provide insight into how such activities impact conventional aspects of judicial work.”); Joseph W. Hatchett & Annette Boyd Pitts, *A Balancing Act*, FLA. BAR J., Nov. 2006, at 27, 29 (noting that “[l]ack of public understanding of the courts and judicial isolation—lack of contact with the public—were identified as high priorities critical to building trust and confidence”); see also *In re Paternity of B.J.M.*, 944 N.W.2d 542, 570 n.1 (Wis. 2020) (Hagedorn, J., dissenting) (“Judges must be careful [in using social media], but we are elected officials and members of civil society. Social media can be an important platform to inform citizens of who judges are as people, to educate the citizenry regarding the judicial role, and to promote candidacy for public office. The dangers are not significantly greater than those attendant to judicial involvement in non-profit work, participation in community-wide justice initiatives, and shaking hands at the town Fourth of July parade.”).

3. Stephen Louis A. Dillard & Bridget Mary McCormack, *The Robed Tweeter: Two Judges’ Views on Public Engagement*, 20 J. APP. PRAC. & PROCESS 179, 179 (2019).

4. *Id.*

feel a unique pressure to [do so].”⁵ This pressure—of feeling the need to stay connected to the public—is a good and healthy thing for a representative democracy.

But there is obviously a significant distinction between a judge giving prepared remarks to a legal group or civic organization and engaging in the kind of fiery rhetoric one typically sees at a political rally. And there is something undeniably indecorous about “nonpartisan interpreters of the law campaigning in much the same way as candidates running for legislative and executive office.”⁶ Instead, the expectation—for most of our history as a country—has been that judges should be “stuffy, technologically challenged, and light on personality.”⁷ I am not so sure this is still the case.

For a variety of reasons, the people we serve are starting to demand greater accountability and transparency from the judiciary.⁸ And rightly so. Again,

5. *Id.*

6. *Id.*

7. David Lat, *Judges on Twitter: Is this a Problem?*, ABOVE THE LAW (Sep. 30, 2014, at 14:18 ET), <https://abovethelaw.com/2014/09/judges-on-twitter-is-this-a-problem/> [<https://perma.cc/EU39-G6KH>]; *see id.* (“Judges who are formal, dry, and tight-lipped off the bench convey a strong sense of objectivity to the public and to the litigants who appear before them. These judges might not have much personality, but presumably they don’t have personal biases that would interfere with the impartial administration of justice. You might not want to have a beer with such judges, but you would want them handling your case.”).

8. *See, e.g.*, Matt Reynolds & Meghann Cuniff, *Keeping Up Appearances: Courts Struggle to Manage in-Person and Virtual Trials Amid Pandemic Safety Concerns*, ABA J., Feb.–Mar. 2021, at 44, 46 (highlighting the “New York City-based group Fix the Court, which advocates for transparency at the Supreme Court and livestreaming and virtual hearings in state and federal courts”); Gabe Roth, *The Federal Courts Have a Transparency Problem. Here’s How We Can Fix It.*, NAT’L L.J. (Mar. 19, 2021), <https://www.law.com/nationallawjournal/2021/03/19/the-federal-courts-have-a-transparency-problem-heres-how-we-can-fix-it/?slreturn=20250102174316> [<https://perma.cc/GWW6-U8CW>] (“At a time when faith in all three branches of government is low, government officials should favor more sunshine. There’s no better time than Sunshine Week to enact changes in judiciary policy—shedding light where there’s been none for far too long.”); Savchak & Edwards, *supra* note 2, at 22 (“Any judicial involvement in public politics might potentially harm the perceived legitimacy and impartiality of their decisions, as both ideals rest on public confidence in the institution itself. Accordingly, desires for increasing judicial independence call for judges to adhere strictly to their basic roles in the courtroom rather than engaging in public activities. At the same time, *many scholars agree that judges’ ability to*

judges are different, but we are not special. We are different because the nature of the judicial role is, out of necessity, neutral and nonpartisan—even in states where judges are forced to run under an uneasy partisan banner. But the inherently nonpartisan nature of our position does not absolve us from being as transparent and accessible as possible to the people we serve. As public servants, we can and must do better; and social-media platforms—when used carefully and effectively—are transformative vehicles for educating the public about our work and democratizing the courts.

Even so, many elected judges shy away from participating on social-media platforms because they see it as a form of campaigning, which they intensely dislike. This is understandable. Elected judges do not typically view themselves as politicians. Instead, we see ourselves as nonpartisan interpreters of the law who just happen to be subject to elections; so, campaigning like a candidate running for a legislative or executive office seems instinctively wrong and unseemly. Put another way, the notion that “campaigning is antithetical to holding a judicial office is [but] one iteration of a broader view that judges shouldn’t be actively engaging the public except in limited circumstances.”⁹ It is hardly surprising, then, that judges are much less inclined than other public officials to directly engage the public.

I believe it is time to shake things up a bit—for the sake of the courts and the rule of law. In a relatively short period of time, the public’s faith in the American judiciary has decreased significantly.¹⁰ Even so, the

maintain judicial independence is now dependent on their ability to maintain public confidence through their involvement in the community, rather than disengagement from it.” (emphasis added).

9. Dillard & McCormack, *supra* note 3, at 179–80.

10. See, e.g., Shawn Patterson Jr. et al., *The Withering of Public Confidence in the Courts*, 108 JUDICATURE, no. 1, 2024, at 22, 24 (noting that the percentage of Americans who express either “a great deal” or “a fair amount” of trust and confidence in the judicial branch has fallen from seventy-five percent in 2005 to under fifty percent in 2022). *But see* NAT’L CTR. FOR STATE CTS., STATE OF THE STATE COURTS: 2024 POLL 4 (2024), <https://www.ncsc.org/sites/default/files/media/document/State-of-the-State-Courts-2024.pdf> [<https://perma.cc/8REP->

public remains keenly interested in understanding the inner workings and culture of the judiciary; and modern technological advancements have provided courts and judges with “unique, cost-effective tools to [*directly*] engage and educate the public.”¹¹ There is no reason a judge’s public appearances or outreach should resemble anything approaching what might be considered traditional political campaigning. It is certainly not how I have conducted myself during fifteen plus years as a gubernatorial-appointed and then thrice elected public official in Georgia. Instead, I have engaged in what I refer to as “soft campaigning,” which is a form of outreach to voters that (hopefully) does not come across as campaigning at all—because it really isn’t. I use speaking events, legal conferences, and other public appearances—and yes, social-media platforms—to educate the public about the work of the Court of Appeals of the State of Georgia, and to highlight my more personalized approach to public service (which relies heavily on social media). Every event I attend as a judge is an opportunity to educate the people I serve and increase their trust and confidence in the work I do as a state intermediate appellate judge—and to humanize the judiciary. I believe it is the right thing to do, and it also happens to be “good politics.” I firmly believe more judges should embrace social media¹² as one of the *primary* vehicles for educating the people we serve about the third branch of government, and that we should drastically rethink how we engage our fellow citizens in the modern age.

To be blunt, judges are making a serious and harmful miscalculation by staying largely disconnected from the people we serve. And as far as I can tell, many

FK7V] (noting that “[p]ublic trust in state courts is showing small gains for the second year in a row”).

11. Dillard & McCormack, *supra* note 3, at 180; *see also* Katherine Beaumont Kern, *Be the Change*, JUDGES’ J., Fall 2019, at 15, 15 (noting that “[j]udicial outreach is a public service whereby judges educate the public about the courts and, in a larger sense, aim to erase the divide between those on the bench and those in front of it”).

12. *See infra* Part II.

of them have done so because they firmly believe being overly visible to the public or too “out there” is unbecoming of a judge. I strongly disagree. Without assessing the substance of a judge’s public remarks and appearances, this objection strikes me as merely an unpersuasive appeal to tradition—a tradition that, quite frankly, comes across to many citizens as deeply rooted in elitism, arrogance, and entitlement. Again, if a judge is educating the public about his or her duties and responsibilities, the inner workings and culture of the judiciary,¹³ or engaging citizens in a manner that enhances the public’s faith in the judiciary,¹⁴ how is that demeaning to the office?¹⁵ It isn’t—not in the slightest.

Judges need to thoughtfully reconsider how they participate in and engage their respective communities. It is vital that we educate the people we serve on a consistent (indeed, unrelenting) basis. And it is difficult to do that when judges rarely, if ever, leave the familiar confines of our secluded courthouses.¹⁶ We *serve* the

13. See, e.g., Stephen Louis A. Dillard, *Open Chambers Revisited: Demystifying the Inner Workings and Culture of the Georgia Court of Appeals*, 68 MERCER L. REV. 1, 2–3 (2016).

14. See, e.g., THE LEGAL ACCOUNTABILITY PROJECT, *Judge Dillard and Judge Nazarian on the Importance of Transparency and Accountability in Clerkships* (YouTube, June 13, 2024), <https://www.youtube.com/watch?v=IJI6gYUIYn8>; APPROACH THE BENCH: Judge Stephen Dillard (Apple Podcasts, June 8, 2024); SUPREME MYTHS: *Episode 9: Judge Stephen Dillard* (Amazon Music, Sep. 3, 2022); LAWYERIST PODCAST: *Tweeting Judges & Access to Justice, with Judge Stephen Dillard* (Lawyerist, Feb. 20, 2019); see also Christen, *supra* note 1 (noting that “[t]he public’s perception of the judiciary would be boosted by greater familiarity with the rules and practices that courts routinely employ, including those used to screen for conflicts and randomly assign cases to judicial officers”).

15. See, e.g., *In re Slaughter*, 480 S.W.3d 842, 849–52 (Tex. Spec. Ct. Rev. 2015) (noting that a judge’s social-media post was intended to educate the public about certain events occurring in the courtroom, which was entirely consistent with the Preamble to Texas’s Code of Judicial Conduct).

16. See Carolina A. Del Campo, *To Friend or to Unfriend?: It’s Time to Update the Status on What It Means to Be Facebook Friends*, 32 ST. THOMAS L. REV. 53, 57 (2019) (noting that “social interaction with the community can be beneficial to judges and can diminish the impression that judges are isolated figures that are out of touch with the community’s wants and needs”); Peter M. Reyes Jr., *To Post or Not to Post: Judges on Social Media*, JUDGES’ J., Summer 2019, at 20, 22 (“One of the benefits of social media is that it can extend the reach of judges and allow a judge to communicate about his or her activities. And if judges are

public. We are not cloistered, black-robed philosophers or rulers, and “the public has a right to know who we are and what we do.”¹⁷ Indeed, I believe the most effective—indeed transformative—way to meaningfully educate the people we serve about the judiciary’s work is to fully take advantage of the social-media platforms used by our fellow citizens on a daily basis.¹⁸ State-court judges in particular—because of their direct connection to the people they serve (via elections or limited appointments)—have a unique opportunity to humanize the judiciary¹⁹ and increase the public’s waning confidence in the American judicial system.²⁰ Contrary

encouraged to be engaged in the community and don’t want to be thought of as isolated and out of touch, then judges should consider appropriately using social media to communicate their activities to the public to further public understanding of and respect for courts and the judicial system. Moreover, such communications, when used appropriately, can promote public confidence in the independence, integrity, and impartiality of the judiciary” (footnotes & citations omitted); Shazia Singh, *Friend Request Denied: Judicial Ethics and Social Media*, 7 CASE W. RESERVE J.L. TECH. & INTERNET 153, 172 (2016) (noting that “[f]orcing judges to predict who *may* someday appear in their courtroom places an undue burden on the judges” and that “[j]udges are allowed to have lives outside of their professional obligations and should be entrusted to maintain the same ethical obligations they do outside the virtual forum on social media sites”).

17. Dillard & McCormack, *supra* note 3, at 180; *see also* John G. Browning, *The Judge as Digital Citizen: Pros, Cons, and Ethical Limitations on Judicial Use of New Media*, 8 FAULKNER L. REV. 131, 154 (2016) (noting that “unless we want them to be philosopher-priests cloistered in their jurisprudential temples, judges need to be connected to society, with their work reflecting accessibility to the citizens they serve”); Green v. Pinnix, 890 S.E.2d 397, 401–02 (Ga. App. 2023) (Dillard, Presiding J., concurring) (“Judges are neither seers nor black-robed philosophers.”).

18. *See* John G. Browning, *Judged by the (Digital) Company You Keep: Maintaining Judicial Ethics in an Age of Likes, Shares, and Follows*, 12 ST. MARY’S J. LEGAL MAL. & ETHICS 222, 224 (2022) (noting that “[m]ore than 72% of adult Americans use social media to connect with one another, engage with news content, share information, and entertain themselves”).

19. *See* Aislinn R. Klos, *The Separate Opinions of Judge James A. Wynn*, 100 N.C. L. REV. FORUM 282, 282 (2022) (noting that “despite what their lack of social media profiles would suggest, judges are people with thoughts and feelings and personal narratives that inform those thoughts and feelings” and yet “there is a tension in the judiciary” because “it is staffed with thinking, feeling, human beings, but in order to avoid any appearance of impropriety those individuals maintain a careful and dignified silence as to themselves . . . [which] can, in turn, shroud the humanity that is so fundamental to the fairness of justice”).

20. *See* Bruce A. Green & Rebecca Roiphe, *Public Confidence, Judges, and Politics on and off the Bench*, 87 LAW & CONTEMP. PROBS. 183, 183 (2024) (noting

to what the legal cognoscenti might think, it is possible for judges to remain neutral in the cases that come before us without being entirely detached from those we serve.

Many of my fellow judges will take issue with my somewhat unorthodox approach to public outreach. They are deeply skeptical of and worried about their colleagues using social media, and they understandably wonder whether the accompanying risks far outweigh the benefits achieved from using these platforms. I understand and appreciate this sentiment. And I will do my best to thoughtfully and respectfully address it in this article.²¹

In Part I, I will discuss a judge's crucial role as a digital citizen in the modern age²²—individually and as a member of a court that should also be directly engaging the public. In Part II, I will attempt to make the case for increased (and more effective) judicial outreach through social-media platforms. Then, in Part III, I will address many of the common objections to judges using social media as a form of public outreach. And in Part IV, I will

that “public confidence in the U.S. Supreme Court appears to have reached a low-water mark, and public confidence in state-court judges and lower-court federal judges has also ebbed (footnote omitted)”; Tessa L. Dysart, *Confession*, 24 J. APP. PRAC. & PROCESS v, vi (2024) (“I also started paying more attention to the work that state court judges did across the country. I am impressed that the impact many state judges are making on the legal profession—from tweeting about important lawyering topics, to writing practice-oriented articles, to issuing important decisions. Many of these judges are also increasingly accessible to the public through social media and speaking events. They want the non-legal world to better understand the work that they do.”); Kathryn Tucker, *Georgia House Names @JudgeDillard [Tweeter] Laureate*, THE FULTON CNTY. DAILY REP. (Jan. 18, 2019), <https://www.law.com/dailyreportonline/2019/01/18/georgia-house-names-judgedillard-twitter-laureate/?slreturn=20241230-45508> [<https://perma.cc/Y3RU-PXPY>] (noting that “[t]he Georgia House of Representatives gave Dillard that title in its first week of business for the year” when “House Resolution 35 was read and adopted . . . , ‘commending Chief Judge Dillard on his use of social media as a tool of civic engagement’”).

21. See Agnieszka McPeak, *The Internet Made Me Do It: Reconciling Social Media and Professional Norms for Lawyers, Judges, and Law Professors*, 55 IDAHO L. REV. 205, 217 (2019) (noting that the high ethical standards imposed on judges has created extremely “narrow confines” within which judges may operate, specifically in the context of social-media platforms).

22. I credit Professor (and former judge) John G. Browning for his inspired use of the term “digital citizen.” See Browning, *supra* note 17, at 132–33.

briefly discuss the nature and efficacy of certain popular social-media platforms and then highlight some of the noteworthy ethical issues and pitfalls judges are likely to face when using those platforms. Finally, in Part V, I will provide my own ideas about best practices—based on over fifteen years of experience on social-media platforms as a judge—and discuss how judges can and should use these platforms to make the judiciary more transparent and accessible and increase the public’s confidence in the American judicial system. My overarching goal is to provide a comprehensive account of the costs and benefits of judges using social media as a means of public outreach, as well as outlining “best practices” for judges who choose to engage the people they serve on these mediums. In the end, I hope to convince at least some of my more pessimistic colleagues to consider using social-media platforms as a way of effectively engaging, educating, and communicating with the public at large. After all, it’s hard to serve others from a place of seclusion.

I. DIGITAL ENGAGEMENT BY JUDGES AND COURTS

Judges are rarely (if ever) viewed as leaders or innovators when it comes to technology.²³ But the COVID-19 pandemic forced many judges and courts to embrace certain technological advancements out of sheer necessity—like “electronic filing (e-filing) of legal documents, virtual platforms that allowed people to appear before judges over the internet, and electronic notarization (e-notarization).”²⁴ And my hope is that the judiciary’s newfound (and far more in-depth) experience with at least some modern technologies will make it far

23. See, e.g., Eric J. Magnuson & Samuel A. Thumma, *Prospects and Problems Associated with Technological Change in Appellate Courts: Envisioning the Appeal of the Future*, 15 J. APP. PRAC. & PROCESS 111, 113 (2014) (noting that appellate court use of technology has generally ranged from “none to some”).

24. Qudsiya Naqui & Erika Rickard, *Pandemic Spurs Technology Revolution in State Civil Courts*, 105 JUDICATURE, no. 3, 2021, at 2, 3.

more amenable to using others—like social media—to help demystify the judicial process and make our courts more transparent and accessible to the public.

There is something deeply disconcerting about “the least understood branch of government”²⁵—the judiciary—also being the one that “most people directly interact with and are personally impacted by on a daily basis.”²⁶ For example, Georgia’s varied trial courts—superior, state, magistrate, probate, juvenile, and municipal—handle approximately 2,500,000 cases a year;²⁷ and our state’s appellate courts are also extremely busy (even by national standards),²⁸ disposing of almost 4,000 cases a year.²⁹ Needless to say, each case that comes before Georgia’s courts involves parties directly impacted by our decisions, as well as the families, friends, neighbors, and employees of those litigants. No case, then, is an island. Indeed, there are often far-reaching implications from any judicial decision, and the citizens who interact with the judiciary need to have confidence that the judges making these

25. Stephen Louis A. Dillard, *#Engage: It’s Time for Judges to Tweet, Like, & Share*, JUDICATURE, Spring 2017, at 10, 11.

26. Dillard & McCormack, *supra* note 3, at 181.

27. Data & Statistics, GA. ADMIN. OFF. OF THE CTS., <https://research.georgiacourts.gov/data-and-statistics/> [<https://perma.cc/TC87-ZUCJ>] (last visited Dec. 17, 2025) (showing all classes of Georgia trial courts handling 2,951,374 cases for 2023).

28. See Chief Justice Michael P. Boggs, State of the Judiciary 9 (Feb. 7, 2024) (transcript available at <https://www.gasupreme.us/wp-content/uploads/2024/02/State-of-the-Judiciary-2024-FINAL.pdf> [<https://perma.cc/JP3P-MG93>]) (noting that “[o]thers have long recognized our state’s appellate courts as among the busiest in the nation, taking in thousands of appeals and other matters and issuing hundreds of opinions each year, all within our constitutionally mandated deadline of two terms of court—the equivalent of about six to eight months”); Dillard, *supra* note 13, at 3 (noting that “[t]he Georgia Court of Appeals is one of the busiest intermediate appellate courts in the United States, and the court’s considerable caseload is only exacerbated by the two-term rule mandated by the Georgia Constitution” (footnotes omitted)).

29. See Caseload Statistics—Five Year Trend, CT. OF APPEALS OF THE STATE OF GA., <https://www.gaappeals.us/caseload-statistics-five-year-trend/> [<https://perma.cc/B54B-TXSY>] (last visited July 28, 2025) (handling 2,475 cases for 2023); Telephone Interview with Chief Justice Peterson, Supreme Court of Georgia (Oct. 18, 2024) (confirming that the Supreme Court of Georgia disposed of 1,412 cases in 2023).

difficult decisions are people deeply committed to the rule of law and heavily invested in the communities they serve. Unfortunately, there remains a troubling and unnatural separation between the judiciary and the public. This can and must change.

To state the obvious, the law intimidates and frightens many people—and for good reason.³⁰ Unfortunately, judges have not always helped matters. To the contrary, we have “long been criticized for being inaccessible and a source of mystery to the public.”³¹ Stated differently, the judiciary is often viewed as “a wise but entirely detached body of individuals who sit on elevated benches, adorn themselves in majestic black robes (with gavels in hand), and dispassionately rule on the various and sundry disputes of the day (and do so largely out of the public eye).”³² Again, we can and should strive to be far more accessible and transparent to the people we serve.

Judges serve the public, and we have “a duty to educate the public about the judiciary’s unique role in our democracy, its decisionmaking processes, and what the public has a right to expect in our courthouses.”³³ But in order to do this in an effective and meaningful way, judges (and our respective courts) must thoughtfully reconsider how we engage the public, move beyond our collective discomfort with technology and social media, and “fully embrace the . . . platforms those we serve use every day.”³⁴ The people we serve desperately want

30. See Dillard, *supra* note 25.

31. Browning, *supra* note 17, at 131; see also Bridget M. McCormack, *The Disruption We Needed: Accelerated Innovation in Courts and Access to Justice*, 99 N.Y.U. L. REV. 1, 6 (2024) (noting that “justice solutions are delivered primarily through courts—a branch of government funded by another branch of government and staffed by elected judges in many places” and that “[t]hose government systems are structurally complicated, organizationally bureaucratic, and often impenetrable”).

32. Dillard, *supra* note 25.

33. Dillard & McCormack, *supra* note 3, at 182; see also Dillard, *supra* note 25.

34. Dillard & McCormack, *supra* note 3, at 182.

direct, meaningful engagement by judges and the judiciary, and they are entitled to it.³⁵

There are many ways for judges to directly engage the public outside the familiar confines of the courthouse. And the more traditional methods that judges and courts often use as means of public outreach should certainly continue. Judges should be meaningfully involved in their respective communities and other spheres of influence. They can and should regularly visit and speak to schools and civic groups, “as well as attend[] events where they will have an opportunity to stay connected to the people they serve.”³⁶ Judges are also, understandably, committed to spending a considerable amount of time with law-minded high school students (usually as part of a high school mock trial program), pre-law undergraduate students, law students, and lawyers of all ages. This is as it should be. Judges should strive to be public-facing, community-involved leaders. But unfortunately, there are “only so many [in-person] events a judge can attend, only so many hands a judge can shake, and only so much time in the day.”³⁷ And as important as it is to have a positive and meaningful relationship with the bench and bar, a judge’s public appearances should not be limited to the legal community. So, how can judges make their courts “widely accessible to the public and effectively communicate and build relationships with as many of his or her constituents as possible?”³⁸ More precisely (and personally), how can a statewide intermediate appellate judge meaningfully engage with millions of

35. *Id.* In 2018, sixty percent of respondents to a survey by the National Center for State Courts agreed with the following statement: “Too many judges in (STATE) courts don’t understand the challenges facing people who appear in their courtrooms and need to do a better job of getting out into the community and listening to people.” NAT’L CTR. FOR ST. CTS., THE STATE OF STATE COURTS 2018 POLL 7 (2018), <https://nationalcenterforstatecourts.app.box.com/s/iutble2gncavd9x5n34xoa6xg0xzgatx/file/365894469721?sb=/details> [<https://perma.cc/ABD7-PDCZ>].

36. Dillard & McCormack, *supra* note 3, at 182.

37. *Id.* at 182–83.

38. *Id.* at 183.

constituents?³⁹ Prior to the widespread use and availability of social-media platforms, this would have been an exercise in futility.⁴⁰ Indeed, the newfound ability of judges and courts to “use technology and social media to communicate with the public is [nothing short of] revolutionary.”⁴¹ Even so, a judge’s reputation as a good and faithful “digital citizen” necessarily begins with ensuring that his or her court is easily accessible and transparent to the public.⁴² And this is far more likely to happen when a court’s official website provides “citizens with increased access to the judicial process” through “effortless access to court records,”⁴³ implements an “effective digital marketing strategy” to ensure that

39. See Anna Stolley Persky, *Judging the Judges: State Judicial Oversight Often Lacks Consistency and Transparency*, ABA J., June–July 2024, at 50, 57 (“One issue is that judges are on social media in many states because they are elected and need to campaign. Social media can be an inexpensive way to reach potential voters.”); M. Sue Kurita, *Electronic Social Media: Friend or Foe for Judges*, 7 ST. MARY’S J. LEGAL MAL. & ETHICS 184, 196–97 (2017) (noting that “[j]udicial elections are usually last on the ballot and of minimal political interest to the average voter, so the massive outreach provided by [social media] is essential for a candidate”); Savchak & Edwards, *supra* note 2, at 22 (“[J]udicial outreach provides judges with an outlet for pursuing self-presentation goals. Improving the judiciary’s image and raising a judge’s visibility among the public for reelection purposes may be intertwined with otherwise benevolent outreach efforts Judicial outreach serves as a means of enhancing public respect and acceptance for their judicial decisions. Judges can also use their outreach work to promote their own names in the hopes of securing reelection . . .”).

40. See Safiyat Naseem, *To Post or Not to Post: Judges’ Social Media Predicament*, COLUMBIA J. OF TRANSNATIONAL L. (Aug. 19, 2021), <https://www.jtl.columbia.edu/bulletin-blog/to-post-or-not-to-post-judges-social-media-predicament> [<https://perma.cc/GT5L-UDVS>] (noting that “[j]udges may use social media to make legal declarations in the same way they do in traditional venues, as long as they carefully consider what they want to post and monitor responses”).

41. Dillard & McCormack, *supra* note 3, at 183; see also Browning, *supra* note 17, at 131.

42. See ABA Comm. on Pro. Ethics & Grievances, Formal Op. 462, at 1 (2013); see also Browning, *supra* note 17, at 154; Elizabeth Thornburg, *Twitter and the #So-Called Judge*, 71 SMU L. REV. 249, 259 (2018).

43. *Court Website Design Resource Guide*, NAT’L CTR. FOR ST. CTS., <https://web.archive.org/web/20180708170943/https://www.ncsc.org/Topics/Media/Court-Websites/Resource-Guide.aspx> [<https://perma.cc/L39J-C7CZ>] (last visited July 28, 2025).

citizens “find a court’s website when they need it,”⁴⁴ and makes the website as easy as possible to navigate.⁴⁵ A modern, easily accessible, user-friendly court website “benefits judges and court staff, as well as the public, and informed litigants make legal processes more efficient and effective.”⁴⁶

Consider some of the important and helpful features offered by my Court’s website:

- Important announcements are highlighted at the top of the page.
- There is a “Helpful Documents” section prominently displayed, with links to a Citizen’s Guide, Pauper’s Affidavit, Inmate Petition for Mandamus Form, Frequently Asked Questions, and the Constitution of the State of Georgia.
- There is a “Visitor Information” section, which provides detailed information about oral arguments, the Court’s masking policy, attorney admission, media access, and a human-trafficking notice.
- Information about the Clerk’s Office and hours of operation, making records requests, Court rules, media access, Court history and videos of historical significance, internship inquiries, a citizen’s guide, e-filing

44. JTC RESOURCE BULLETIN: MARKETING A COURT WEBSITE: HELPING THE PUBLIC FIND THE COURT ONLINE, NAT’L CTR. FOR ST. CTS. 1 (July 22, 2018), <https://ncsc.contentdm.oclc.org/digital/collection/tech/id/905/rec/1> [<https://perma.cc/3YB4-8GMF>].

45. See, e.g., *Navigation and Design*, NAT’L CTR. FOR ST. CTS., <https://web.archive.org/web/20220423064826/https://www.ncsc.org/services-and-experts/areas-of-expertise/technology/web-best-practices/navigation-and-design> [<https://perma.cc/72TY-QFZ2>] (last visited July 28, 2025).

46. Dillard & McCormack, *supra* note 3, at 183; see also Julie J. Bernard & Keith R. Fisher, *Some Pitfalls and Perils of Judicial Social Media Use*, BOSTON B.J., Fall 2023, at 42, 42 (noting that because “most people consume their information online, courts are now connecting with the public in real time on social media to increase public awareness and understanding of the judicial system,” and that “[t]he Massachusetts Trial Court uses X and has a Facebook page to share public information, resources, and announcements”).

instructions, and a frequently asked questions page.

- Photos of all current judges, along with links to their respective biographies.
- Various calendars, Court term dates, and Court holidays.
- Docket and opinion search features, including a “Show Today’s Opinions” button, which was added at the request of a lawyer via social media.
- A dedicated page for livestreaming the Court’s oral arguments, as well as a page with links to all the Court’s archived arguments (going back to September 2016).⁴⁷

There is, then, a wealth of information provided on the Court of Appeals of the State of Georgia’s website, and it is presented to the public in an easily accessible and digestible format.

But in my view, the most important feature of our Court’s website is the livestreaming and *permanent* archiving of our oral arguments, which we have done since September 2016⁴⁸ (and to its credit, the Supreme Court of Georgia has been livestreaming its arguments since January 2005).⁴⁹ This was a high priority of mine from the time I joined the Court, and I was thankfully able to bring that idea to fruition during my tenure as the vice chief of our Court based on the steadfast support of my colleagues. One of the best ways to enhance the

47. See generally *Court of Appeals of the State of Georgia*, CT. OF APPEALS OF THE STATE OF GA., <https://www.gaappeals.gov/> [<https://perma.cc/V6AV-Y6MF>] (last visited July 28, 2025) (including announcements, helpful documents, visitor information, various administrative resources, photos and biographies of current judges, calendars and dates, dockets and opinions, and livestreaming capabilities); see also *Supreme Court of Georgia*, <https://www.gasupreme.us/> [<https://perma.cc/X2YN-KL85>] (last visited July 28, 2025) (containing similar features).

48. See *Oral Argument Video Archive*, CT. OF APPEALS OF THE STATE OF GA., <https://www.gaappeals.gov/oral-arguments/oral-argument-video-archive/> [<https://perma.cc/YPG8-M8G9>] (last visited July 28, 2025).

49. Telephone Interview with Kathleen Joyner, Public Information Officer, Supreme Court of Georgia (Oct. 23, 2024) (confirming that the Supreme Court of Georgia has livestreamed oral arguments since January 2005).

public's faith in the judiciary is "to open the virtual doors of the courthouse . . . by livestreaming trial proceedings and appellate oral arguments."⁵⁰

I am proud to be part of a judicial system that greatly values and emphasizes transparency and accessibility. And the response from the legal community (and general public) in Georgia has been resoundingly positive.⁵¹ Now, this doesn't mean the viewership for our oral arguments will set records anytime soon. Indeed, there are occasions when only a dozen or so people watch our livestream, which is fine by me. Our appellate courts are not trying to compete with College Gameday or Bravo. What our judges and justices care about is that the people we serve must no longer brave Atlanta traffic

50. Dillard & McCormack, *supra* note 3, at 183–84; *see also* Lisa Schultz Bressman, *The Rise and Fall of the Self-Regulatory Court*, 101 TEX. L. REV. 1, 69 (2022) ("Live audio enhances the transparency of the judicial process, a modest version of cameras in the courtroom, which never took hold among the Justices."); Christen, *supra* note 1, at 23 ("Allowing remote access also can make the difference between litigants being able to see their cases presented to the court and having to wait to hear about it after the fact because even where long-distance travel is not required to attend a court proceeding, missing time from work inevitably is. Remote access allows litigants to see their cases presented, hear counsel's arguments, and observe engaged judges questioning and considering the merits of the parties' positions in real time. In this way, allowing remote access can level the economic playing field, promote access to justice for those living outside urban areas, and dramatically increase the likelihood that litigants will come away from the process knowing that their side of the story was heard. Whether they win or lose, litigants' confidence in the judiciary is enhanced when the public can watch cases aired in court and recognize that legal principles control the outcomes."); Magnuson & Thumma, *supra* note 23, at 119–20 (noting that "[p]ublic video access is another example of how technology can enhance transparency in appellate courts," and that "[u]sing technology to broaden the ability of the public to see what happens in an appellate courtroom is a paradigm of furthering transparency"); Federalist Society Panel, *Technology, Social Media, and Professional Ethics*, 45 U. DAYTON L. REV. 61, 84 (2020) (including the remarks of Professor Josh Blackman, in which he encouraged courts to "live stream your arguments," and noted that while he understands "there are arguments, pros and cons, . . . enough courts have tried this, [and] it doesn't change the dynamics," and that "[t]here's so much disinformation that you can help fix by putting your own arguments live").

51. *See, e.g.*, Amy Howe, *Courtroom Access: Laboratories for Live-Streaming?*, SCOTUSBLOG (Apr. 29, 2020), <https://www.scotusblog.com/2020/04/courtroom-access-laboratories-for-live-streaming/> [<https://perma.cc/L4CN-RQSE>] (noting that "[a]ccording to the state supreme court justices involved, the use of live video and audio has been an unqualified success").

to see us in action. Instead, they can watch our proceedings in their homes, offices, or even the local coffee shop; be informed about the civil or criminal cases we are hearing on a particular day; and determine for themselves whether we are worthy of serving on Georgia's appellate courts.

Unsurprisingly, easily accessible, user-friendly court websites and livestreaming of judicial proceedings are widely supported by many judges; but there is far "less enthusiasm" in the judiciary for "more direct engagement with the public via social-media platforms."⁵² Even so, social media has "dramatically altered the way public officials and political candidates engage with the public," and judges have been painfully slow to "embrace this new technological frontier."⁵³ I hope to convince at least some of my leery colleagues that the benefits of judges using social media to engage and educate the public far outweigh any potential risks.⁵⁴

II. ENGAGING THE PEOPLE WE SERVE THROUGH SOCIAL-MEDIA PLATFORMS

I am known as one of the more enthusiastic champions for judges and courts directly engaging the public through social-media platforms. I do so primarily to promote transparency, accessibility, confidence and trust in the American judiciary, and civics education, as well as to humanize and demystify the judiciary. In my

52. Dillard & McCormack, *supra* note 3, at 184.

53. *Id.* But see Katrina Lee, *Your Honor, on Social Media: The Judicial Ethics of Bots and Bubbles*, 19 NEV. L.J. 789, 790 (2019) ("Increasingly, judges sitting in county, state, and federal courts in the United States have joined the ranks of social media users.").

54. See M. Sue Kurita, *Judges Should Social Distance—on Social Media*, LITIG., Spring 2023, at 32, 32 (reviewing the discipline summaries in the *Judicial Conduct Reporter*, which are published quarterly by the National Center for State Courts' Center for Judicial Ethics, and noting that "[t]here has been a marked increase in the number of reports of discipline orders issued to judges for social media misuse when comparing the three years pre-COVID (2017, 2018, and 2019) with the number reported during COVID (2020, 2021, through October 2022)").

view, judges owe the citizens we serve information about “the role of the judiciary in our tripartite system of government (as well as the separation of powers), our system of appointing and electing judges, the training judges receive, the structure and operation of our judicial system, the judicial decision-making process, and what rights ‘we the people’ have in relation to the judicial system.”⁵⁵ The judiciary plays an essential role in upholding and safeguarding the rule of law, and the people we serve are entitled to this crucial civic information. By directly engaging citizens on social-media platforms, judges can begin the difficult process of demystifying the judicial branch.⁵⁶ Even more importantly, when judges do this in a meaningful and authentic way, we can increase the public’s waning faith in the judiciary—which is critical these days. Indeed, Gallup recently released a poll noting that “Americans’ confidence in their nation’s judicial system and courts dropped to a record-low 35% in 2024,” a “sharp decline” of “24 percentage points” in the past four years, which is “among the steepest declines Gallup has measured globally on this metric.”⁵⁷ It is hard to see this as anything but a serious crisis of faith in the American judiciary.

So, what to do? I don’t have all the answers, and the varied reasons behind the public’s significant loss of confidence in the judiciary are well beyond the scope of this article; but I am confident the answer isn’t for judges and courts to stay largely disconnected from the people we are so fortunate to serve. What may help is for the judiciary to seriously rethink how it engages with the public and embrace (at least to some degree) the social-media platforms used daily by our fellow citizens.

55. Dillard, *supra* note 25.

56. See Thornburg, *supra* note 42 (“[Social Media] . . . provides judges with a higher profile, allows outreach to voters, helps make judges (and thus courts) seem more accessible . . .”).

57. Benedict Vigers & Lydia Saad, *Americans Pass Judgment on Their Courts*, GALLUP (Dec. 16, 2024), <https://news.gallup.com/poll/653897/americans-pass-judgment-courts.aspx> [<https://perma.cc/B8RX-47ZR>].

Social-media platforms can effectively and meaningfully educate the public about the judiciary. For example, I use these platforms to advise Georgians when my Court is holding an oral argument, and I typically provide a link to our livestream shortly before those arguments begin (often by quote-tweeting or retweeting our Court’s official Twitter account).⁵⁸ I also often highlight press releases and job announcements issued by my Court and the Supreme Court of Georgia. Additionally, I make a point of regularly explaining my Court’s internal processes and constitutional deadlines, posting links to scholarly articles and essays, sharing other civic-minded writings, as well as posting photos and information about interesting court-related events that I attend—like Georgia’s State of the State and State of the Judiciary speeches. This only increases the public’s understanding of and appreciation for the work of Georgia’s judicial system, thus serving as a “high-octane tool to boost civic awareness.”⁵⁹

58. See, e.g., Judge Stephen Dillard (@JudgeDillard), X (Sep. 5, 2023, at 10:23 ET), <https://x.com/JudgeDillard/status/1699065634431312361?s=20> [<https://perma.cc/P3SE-LDG4>] (“For those who want to watch our oral arguments this morning, you can do so via the link below.”). In addition to X/Twitter, I have a personal Facebook account, official page, and a campaign page; a LinkedIn account; a Bluesky account; and Instagram and Threads accounts. Georgia’s appellate courts and many of my colleagues also have a presence on some of these social-media platforms.

59. Shoshana Weissmann, *Online and on the Bench, the ‘Tweeter Laureate of Texas’ Is All About Judicial Engagement*, WASH. EXAM’R (Sep. 17, 2015, at 15:09 ET), <https://www.washingtonexaminer.com/weekly-standard/online-and-on-the-bench-the-tweeter-laureate-of-texas-is-all-about-judicial-engagement> [<http://perma.cc/9FTX-4L2H>].



Judge Stephen Dillard @JudgeDilla... · 4d ...
It's about that time.



AppealsCourtGA @AppealsCour... · 4d
Division 4 will hear oral arguments this morning, Tuesday, February 4, at 10:30 a.m. Click "Watch Oral Arguments Live" on our homepage gaappeals.us. Presiding Judge Stephen Louis A. Dillard, @JudgeD...



Judge Stephen Dillard @Judg... · 10/6/23 ...
Come work with me! It's a wonderful court with incredible folks.

State Bar of Georgia @Stat... · 10/6/23
The Judicial Nominating Commission seeks qualified candidates for a vacancy on the Court of Appeals. @AppealsCourtGA The deadline to apply is Friday, Oct. 20. gabar.org/attorneyresour...





Judge Stephen Dillard 
@JudgeDillard

**Here is an interesting (and recent) article
advocating the establishment of an
intermediate appellate court in Nevada**
lasvegassun.com/news/2013/mar/...

9:39PM · 3/23/13

In sum, greater transparency, accessibility, public education, and increased confidence in the judiciary are the driving forces and primary motivations behind my social-media presence. That said, I have received other (tremendous) benefits from actively participating on social-media platforms. I have built meaningful, long-term, lifelong friendships with justices and judges in other jurisdictions, been invited to speak at national and international conferences and events, and been given opportunities for unique and enriching learning experiences that almost certainly would not have been possible in the absence of my active participation on social media. I have also been fortunate enough to have numerous online and in-person conversations with my colleagues from other areas of the country. These delightful and frank discussions have led to more efficient, creative, and modern methods of doing certain aspects of my job as an appellate judge. Indeed, there have been several times when I have learned about another appellate judge or court's practices or traditions, shared that information with my colleagues, and then used this shared knowledge to help us refine our own practices and procedures. Put another way, "judicial relationships developed through social-media platforms have created a live national learning lab."⁶⁰

And the ability to mentor students and lawyers through social media has also been especially rewarding. As Justice Bridget McCormack and I have previously emphasized, "[b]ecause social media interaction and

60. Dillard & McCormack, *supra* note 3, at 186.

reach is scalable to infinity, it creates opportunities for mentorship that are otherwise not achievable.”⁶¹ For example, judges can share interesting articles that provide helpful information to students, lawyers, and other civic-minded individuals. We can also conduct online question-and-answer sessions on various topics of general interest (e.g., brief writing, oral-argument tips, clerkship and career advice, and professionalism issues), or just offer general encouragement to our friends in the legal community. Students and young lawyers hunger for this kind of direct engagement with judges, which would have been almost unthinkable even twenty years ago. I firmly believe judges have a solemn duty to mentor and educate the next generation of lawyers, and social-media mediums enable and empower us to do this in a revolutionary and transformative way.

Judges can also use social-media platforms to promote important nonpartisan issues to the bench, bar, and public writ large. For instance, my views about civility, kindness, and professionalism reach a much larger audience when I express them on social-media platforms than in any public speaking appearance I might make. And these views are then promoted, echoed, or endorsed by others—reaching audiences that might have otherwise been inaccessible to me (and other judges). Indeed, there is even the possibility of these positive, confidence-inspiring views going viral for all the *right* reasons. Social-media platforms—when used properly and skillfully—can be a powerful civic tool for the common good; and, more specifically, as a means of increasing the public’s confidence in the judicial branch. Similarly, positive stories about our profession and the judiciary can be relayed to the public far more efficiently and effectively through social media.

61. *Id.*



Judge Stephen Dillard ✓
@JudgeDillard

I've said this before, but it bears repeating: It costs nothing to be kind.

There's no way to know what others are going through, and every day is an opportunity to impact someone's life for the better with an act of kindness.

We'll never be perfect, but we can be kind.

8:23 PM · 9/5/23 · 21K Views



Judge Stephen Dillard ✓
@JudgeDillard

Promote

I hope all of you have a wonderful and relaxing weekend. And as always, please be good to each other.



And here's the thing: I am convinced—like many of my colleagues—that my engagement on social-media platforms greatly enhances my ability to more effectively do my job. There's simply no escaping these platforms. They are ubiquitous and raise a host of issues that judges will face even more frequently than they already do—e.g., applying traditional Fourth Amendment concepts in cases involving social-media platforms. So, in addition to staying connected to the daily musings of law students, lawyers, and judges throughout the United States (and

the world), it is vital for judges to have at least some basic idea of how these platforms work and are used by the people they serve.⁶² As Professor (and former judge) John G. Browning has rightly emphasized:

[W]hile a judge’s misuse of such new media can violate canons of ethics and focus the harsh glare of public perception, so can other, more traditional communications or relationships formed by judges. Neither depriving judges of technical familiarity that can inform their handling of cases nor isolating judges from something viewed as so vital to the community they serve is hardly desirable. Judges should be encouraged to embrace social media, albeit with caution, education, and guidance.⁶³

Put another way, there is a basic competency reason for judges to familiarize themselves with social-media platforms.⁶⁴ Indeed, given “the plethora of technological

62. See Christopher R. Torikoglu, *Personal Jurisdiction Has (Kind of) Been Keeping Up with the Kardashians*, 7 ARIZ. L.J. EMERGING TECHNOLOGIES 6, 24 (2024) (noting “Judge Stephen Dillard, who presides over the Georgia Court of Appeals . . . opined [that] judges will undoubtedly come across cases that will ‘turn on’ the ‘dynamics and the different personalities of social media platforms’ . . . [and] it is imperative for judges to be sophisticated about social media because the way people communicate has vastly changed” (citation omitted)); John G. Browning & Xavier Rodriguez, *Should Judges Have A Duty of Tech Competence?*, 83 TEX. B.J. 254, 254 (2020) (“From overseeing technology being used in courtroom presentations, to ruling on discovery and evidentiary issues involving digital sources, to ethically using technology like social media themselves, a judge’s role demands tech competence.”).

63. Browning, *supra* note 17, at 137.

64. See, e.g., Hailey Limbrick, *Hate Speech, Insurrections, and Fake News: “No Problems Here,” Says the Fifth Circuit: A Split on Free Speech and Content Moderation*, 73 DEPAUL L. REV. 1131, 1163 (2024) (criticizing the federal circuit court for assuming that all “social media platforms are essentially the same,” and specifically taking issue with the court’s attempt to “analogize a social media platform to a telephone communication service” when “[s]ocial media plays many roles in American’s lives today, and to group each individual platform into one pool would be unintelligible” because “[e]ach platform attracts a different type of user, and often times, users from varying platforms utilize social media for different reasons” and thus “the idea of treating all platforms as if they all serve one purpose and one market is simply irrational”); Torikoglu, *supra* note 62, at 23 (“With the constant evolution of social media, courts should refrain from assuming websites like Facebook and Instagram ‘do not intrinsically implicate commercial activity.’ The reality is, they now do. Modern precedent is lagging in confronting the commercial spirit of social media websites. This can be attributed to judges lacking sophistication about social media platforms or

issues before our courts and the pervasive use of social media by most Americans, how can a judge effectively do his or her job without having [at least] some basic understanding of how social media works?”⁶⁵

There is also another rarely discussed benefit of justices and judges having accounts on the most popular social-media platforms, even for those who are only “lurking”:⁶⁶ constructive criticism and feedback from the public. While judges should *never* allow external commentary to unduly influence them or keep them from faithfully doing their job, it is not unusual to see thoughtful critiques about the tone of judicial opinions, the use of humor or pop-culture references in judicial opinions, judicial temperament, and the like. And for judges who often live in criticism-free bubbles of unending praise, I think occasionally reading honest

even being afraid of modernizing old precedent that could single handedly eliminate personal jurisdiction.”); Alexandra Heyl, *Anything You Say (or Like, Repost, and Quote Post) Can Be Used Against You*, 73 CATH. U. L. REV. 27, 37 n.66 (2024) (noting that “social media evidence has become more common in litigation, calling judges to consider a new form of ambiguous, nonverbal conduct—liking’ and ‘reposting”); Emily R. O’Hara, *Extrajudicial Statements and Prejudice in the Digital Age: Creating Factors to Preserve the Balance Between Attorney and State Interests in Trial Litigation*, 61 WM. & MARY L. REV. 887, 893 n. 26 (2020) (noting that “[j]udges may be unfamiliar with how information spreads on social media, or the precautions users take to prevent dissemination of statements on social media, because many judges do not have social media accounts”); *see also* Raffi Melkonian, *Presenting Yourself on Social Media*, LITIG., Spring 2023, at 31, 33 (noting that “many judges use Twitter and other forms of social media, usually through anonymous accounts”); Ralph Artigliere et al., *Face-Off on Facebook: Judges and Lawyers As Social Media “Friends” in A Post-Herssein World*, FLA. B.J., July/Aug. 2019, at 18, 23 (noting that “lawyers and judges no longer have the luxury of considering whether to learn about technology and social media,” and that “[t]he time has come for all to catch up and stay caught up with these important areas, because behavior, decisions, and conduct, personal and professional, necessarily takes place in the world we live in, not what we would like the world to be”).

65. Dillard & McCormack, *supra* note 3, at 186–87; *see also* *Moody v. NetChoice, LLC*, 603 U.S. 707, 789 (2024) (Alito, J., concurring) (noting that “[s]ocial-media platforms are diverse, and each may be unique in potentially significant ways”).

66. Perhaps the most famous judicial lurker on social media is Justice Elena Kagan. *See* Melkonian, *supra* note 64 (noting that Justice Elena Kagan operates a secret Twitter account).

opinions about your work product is a nice—and maybe even helpful—reality check.

Finally, and perhaps most importantly, social media provides elected judges with an extraordinary means of networking, connecting with the public, forming new relationships, and messaging.⁶⁷ Indeed, in my experience, the people who follow me on social-media platforms feel much more invested in my judicial career than they otherwise would through a traditional, more-detached campaign or outreach approach.⁶⁸ And a judge's social-media profile can—when done correctly—enhance and amplify other public appearances and outreach efforts. Public speeches, podcast interviews, and articles written by judges can all be shared with a far wider audience through social-media platforms.

The technological revolution brought about by social-media platforms may end up fundamentally reshaping—both inside and outside the legal profession—how the public perceives the American judiciary. For the longest time, federal courts and federal court judges have had an outsized influence on how the judiciary in the United States is generally perceived,

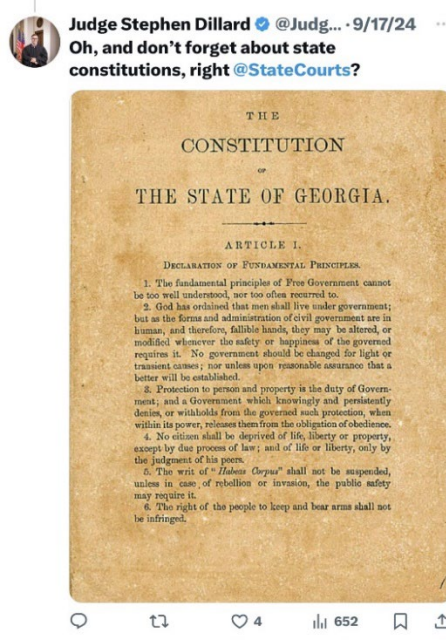
67. See Browning, *supra* note 17, at 131–32 (“One reason for the increased use of social media by judges may be the growing importance of these platforms in political races. With thirty-nine states using some form of election to select their trial judges, and thirty-nine states using some form of election to select their appellate court judges, use of social networking platforms as a political tool in the United States has become necessary to professional survival.” (footnote omitted)); John G. Browning & Don Willett, *Rules of Engagement: Exploring Judicial Use of Social Media*, 79 TEX. B.J. 100, 101 (2016) (“With judges elected in 39 states (including Texas), social media is a fruitful way to engage with the community as well as an invaluable means of raising visibility, building awareness, and leveraging the support of key influencers and opinion leaders.”).

68. See Rashaud J. Hannah, “Noisier, Nastier, and Costlier”: *Shoring Up Institutional Legitimacy in Judicial Elections Using A Legal Ethics Framework*, 35 GEO. J. LEGAL ETHICS 463, 480–81 (2022) (noting that elected judges can “better engage the public who will hold them accountable at the ballot box” by posting regularly on social media, which will allow them to “leverage an effective and inexpensive way to engage their electorates,” and that “elected judges do not use Twitter in the same way that elected politicians do, preferring to engage in ‘self-personalization’ activity rather than ‘policy-based campaigning’ activity when they post to the online platform,” which “allows elected judges to indirectly advance their reelection goals through self-promotion while avoiding more ‘overtly political’ forms of [social media] usage”).

even though nearly all cases take place in and are resolved by state courts.⁶⁹ This is reflected in our media coverage, the intense political focus our profession places on federal judicial nominations, and the tremendous emphasis law schools and law firms place on federal clerkships—to list just a few examples. But the times, they are changing. And you can see the growing importance of state courts every day on social media.⁷⁰

69. See Penny J. White, *The Other Costs of Judicial Elections*, 67 DEPAUL L. REV. 369, 381 (2018) (noting that because “state courts handle the vast majority of legal disputes in the country—some ninety-seven percent of cases—they play an influential role in shaping and stabilizing citizens’ lives and commercial interests,” and that “[a] state court’s interpretation of state constitutions, statutes, and the development of the common law is essential to enable citizens and businesses to conform their conduct to the law”); see generally Jeffery S. Sutton, 51 IMPERFECT SOLUTIONS: STATES AND THE MAKING OF AMERICAN CONSTITUTIONAL LAW (2018) (emphasizing the importance of state courts and state constitutions).

70. Miriam Seifter (@MiriamSeifter), X (Feb. 6, 2025, at 09:00 MST), <https://x.com/MiriamSeifter/status/1887531805810594094> [<https://perma.cc/66EQ-67U5>] (describing a new state constitutional law textbook); National Center for State Courts (@StateCourts), X (Dec. 20, 2024, at 09:44 MST), <https://x.com/StateCourts/status/1870148235592880598> [<https://perma.cc/SWH9-TFQF>] (noting survey trends that demonstrate increased trust in state courts); Dan Gibson (@dangibsonatty), X (Oct. 2, 2023, at 08:37 MST), <https://x.com/dangibsonatty/status/1708853837941858376> [<https://perma.cc/3T6N-HQRB>] (noting that the Supreme Court may start sending policy decisions back to states, which would implicate state law, state constitutions, and the work of state courts).



It should come as no surprise, then, that judges who actively participate on social-media platforms are far more likely to establish national reputations. Consider Judge Don Willett of the United States Court of Appeals for the Fifth Circuit, who has been on a hiatus from social media for several years now.⁷¹ Before he joined the federal judiciary, Willett was arguably the most followed (and celebrated) judge on *any* social-media platform.⁷² That may not have been a particularly difficult bar to clear, but Willett’s national popularity is well-documented.⁷³ And while Willett frequently (and

71. See Ken Herman, *Herman: Twitter Silence from Texas Tweeter Laureate*, AUSTIN AM. STATESMAN (Oct. 17, 2017), <https://www.statesman.com/story/news/2017/10/17/herman-twitter-silence-from-texas-tweeter-laureate/10150953007/> [<https://perma.cc/E5JX-5FR7>]. *But see* Judge Don Willett (@JusticeWillett), X (Dec. 31, 2024, at 13:36 ET), <https://x.com/JusticeWillett/status/1874162794943410432> [<https://perma.cc/WB3N-8DUG>].

72. See Thornburg, *supra* note 42, at 299–300.

73. See, e.g., Barbara A. Jackson, *To Follow or Not to Follow: The Brave New World of Social Media*, JUDGES’ J., Fall 2014, at 12, 13 (noting that “Justice Don Willett of the Texas Supreme Court may be the most well-known member of the

jokingly) referred to himself as the “most avid judicial tweeter in America” or “the tallest munchkin in Oz,” his tweets were “smart, humorous, and informative.”⁷⁴ As a result, Willett “quickly established a national reputation on social media as a result of his ability to strike the proper balance between accessibility and appropriate judicial decorum.”⁷⁵ Indeed, during his tenure on the Supreme Court of Texas, then-Justice Willett had approximately 105,000 followers on Twitter and more than 20,000 followers on Facebook.⁷⁶ These are truly astounding numbers for a state judge, even one serving on the highest civil court of Texas; and he has retained a sizeable following on both X/Twitter (77,500) and Facebook (17,000) during his hiatus.⁷⁷ Importantly, this exposure gave Willett a national platform to promote civics education—a cause near and dear to his heart (and mine).⁷⁸ He was—and in many respects remains—the gold standard for judicial social media.

After Judge Willett, the follower count for judges on social media goes down considerably. As far as I can tell, I have the most followers of any *active* American judge on X/Twitter with just over 38,000.⁷⁹ I also have 5,600 friends or followers on my personal Facebook page;⁸⁰ over 1,000 followers on my professional Facebook

judiciary using one popular form of social media: Twitter” and that “Justice Willett’s participation in social media is ‘a look into the future of the judiciary’” (citation omitted)).

74. Dillard, *supra* note 25.

75. *Id.*

76. Thornburg, *supra* note 42, at 260 n.49; Justice Don Willett (@JusticeDonWillett), FACEBOOK, <https://www.facebook.com/justicedonwillett> [<https://perma.cc/QK8T-B3P5>] (last visited Dec. 17, 2025).

77. See Judge Don Willett (@JusticeWillett), X, <https://twitter.com/JusticeWillett> [<https://perma.cc/8LGZ-7QQR>] (last visited July 28, 2025).

78. See Chuck Lindell, *Texas Judge Laments Civic Illiteracy*, MIDLAND REP.-TELEGRAM (Jan. 14, 2017), <https://www.mrt.com/news/education/article/Texas-judge-laments-civic-illiteracy-10856651.php> [<https://perma.cc/3BUV-A8GH>].

79. See Judge Stephen Dillard (@JudgeDillard), X, <https://twitter.com/JudgeDillard> [<https://perma.cc/83JQ-RWL8>] (last visited July 28, 2025).

80. See Stephen Dillard (@steve.dillard), FACEBOOK, <https://facebook.com/steve.dillard> [<https://perma.cc/5MNF-VWP8>] (last visited July 28, 2025).

account;⁸¹ 5,900 followers on BlueSky;⁸² 1,900 followers on Instagram;⁸³ over 1,200 followers on Threads;⁸⁴ and almost 7,000 connections on LinkedIn.⁸⁵ Importantly, even at these rather modest levels of support, I have a national (and sometimes international) voice on nonpartisan issues near and dear to my heart—like civility, professionalism, best practices for appellate advocates, access-to-justice issues, and judicial transparency and accessibility, as well as the benefits and virtues of judges using social-media platforms to

81. See Presiding Judge Stephen Dillard (@judgedillard), FACEBOOK, <https://facebook.com/judgedillard> [<https://perma.cc/5GBG-J4KJ>] (last visited July 28, 2025).

82. See Judge Stephen Dillard (@judgedillard.bsky.social), BLUESKY, <https://bsky.app/profile/judgedillard.bsky.social> [<https://perma.cc/H8YR-NJSR>] (last visited July 28, 2025); see also Avalon Zoppo, ‘Stake Out My Space’: Attorneys, Law Professors Flock From X to Bluesky, THE NAT’L L.J. (Dec. 9, 2024), <https://www.law.com/nationallawjournal/2024/12/09/stake-out-my-space-attorneys-law-professors-flock-from-x-to-bluesky/> [<https://perma.cc/FG9F-SCBU>] (“Judge Stephen Dillard said he always makes a point to get acquainted with emerging social media platforms. So last May, he signed up for the then-invitation only microblogging app Bluesky ‘A lot of people that I’ve developed friendships with over the years, and a lot of lawyers in Georgia are moving over [to Bluesky],’ said Dillard, one of only a few judges on the site. ‘And I want to be able to communicate with all my constituents as much as possible. So when there’s that much of a migration to a new platform, I want to stake out my space and be accessible to the folks on that platform as well.’ . . . Dillard, however, said he plans to maintain his presence on X, in addition to Bluesky, to stay connected with as many people as possible. ‘My goal is to represent all Georgians and to reach all Georgians,’ Dillard said. ‘I’m on a lot of different platforms, and I think it’s important because you’re going to reach different audiences on different platforms.’”).

83. See Judge Stephen Dillard (@judge.dillard), INSTAGRAM, <https://www.instagram.com/judge.dillard/> [<https://perma.cc/Q2JJ-YVBL>] (last visited July 28, 2025).

84. See Judge Stephen Dillard (@judge.dillard), THREADS, <https://www.threads.net/@judge.dillard> [<https://perma.cc/D7TT-CTTA>] (last visited July 28, 2025).

85. See Stephen Dillard, LINKEDIN, <https://www.linkedin.com/in/stephendillard-3635291> [<https://perma.cc/JBZ8-2GAR>] (last visited July 28, 2025); see also Federalist Society Panel, *supra* note 50, at 79 (observing that “it may very well be—in five years from now that Twitter is gone by the wayside or is no longer as prominent, but there are going to be new platforms,” and “[t]his form of digital communication is not going away, and judges, in my mind, need to understand this in order to effectively represent the people they serve”).

engage and educate the public.⁸⁶ And because federal judges almost universally abstain from actively using social-media platforms (they often lurk instead),⁸⁷ state

86. See, e.g., THE NATIONAL CENTER FOR STATE COURTS, *Georgia Judge Stephen Dillard to Receive William H. Rehnquist Award for Judicial Excellence* (September 26, 2025), <https://www.ncsc.org/news/georgia-judge-stephen-dillard-receive-william-h-rehnquist-award-judicial-excellence>; Stephen Dillard, LINKEDIN (Jan. 19, 2025, at 17:56 ET), https://www.linkedin.com/posts/stephen-dillard-3635291_i-am-truly-honored-to-be-the-2025-calgary-activity-7286864112410587137-7bNt [<https://perma.cc/HY88-A78C>] (noting receipt of 2025 Milvain Visiting Chair in Advocacy from the Calgary Law Faculty and Calgary Bar Association); THE LEGAL ACCOUNTABILITY PROJECT, *Judge Stephen Dillard on Transparency and LAP's Clerkships Database* (YouTube, Dec. 6, 2023), <https://www.legalaccountabilityproject.org/media/v/kdagskdycxzmppm2mmtzpzwxs2sg3> [<https://perma.cc/ZD Y9-WT84>]; UNODC—UNITED NATIONS OFFICE ON DRUGS AND CRIME, *How to Use Social Media to Bring the Public Closer to the Court* (YouTube, Apr. 28, 2021), https://www.youtube.com/watch?v=_FD3EaYmi40 (panel discussion featuring, among others, Presiding Judge Stephen Dillard and Chief Judge Bridget McCormack); Stephen Dillard, *I Wish I'd Known*, ABA L. STUDENT DIV. (Nov. 1, 2019), https://www.americanbar.org/groups/law_students/resources/student-lawyer/professional-development/judge-stephen-dillard-i-wish-id-known/ [<https://perma.cc/XKB3-EFCY>]; HIGHSCHOOLSCOTUS, Interview: Chief Judge Stephen Dillard, WORDPRESS (Apr. 24, 2019), <https://highschoolscotus.wordpress.com/2019/04/24/interview-chief-judge-stephen-dillard/> [<https://perma.cc/X9NB-XWR6>]; William Vogeler, *Real Judges Use Social Media*, FINDLAW (Mar. 21, 2019), <https://www.findlaw.com/legalblogs/strategist/real-judges-use-social-media/> [<https://perma.cc/V4EG-A4JL>] (noting that “[Judge Dillard] uses social media to explain how the court works, to mentor new lawyers and law students and to let people know how he is—at the courthouse and outside it”); ALM Media, *‘The Public Has a Right to Know Who You Are,’ Dillard Says in Bar Interview*, LAW.COM (Jan. 3, 2019), <https://finance.yahoo.com/news/public-know-dillard-says-bar-042148245.html> [<https://perma.cc/37LK-YA6B>]; Adam Feldman, *An Alternative Take on Trump’s Potential Supreme Court Nominees*, EMPIRICAL SCOTUS (Nov. 14, 2016), <https://empiricalscotus.com/2016/11/14/trump-court/> [<https://perma.cc/G8M8-GBAV>] (mentioning Justice Don Willett and Judge Stephen Dillard as potential Supreme Court nominees, in part, because of their national presence on social media); Tracie Morris, *Trick or Treat? Will Our Next Supreme Court Justice be on Twitter?*, LINKEDIN (Oct. 26, 2015), <https://www.linkedin.com/pulse/trick-treat-our-next-supreme-court-justice-twitter-tracie-morris> [<https://perma.cc/XNV3-WAAV>] (noting that “[a]rguably the two most prolific judicial tweeters, Justice Don Willett of the Texas Supreme Court and Judge Stephen Dillard of the Court of Appeals of Georgia, regularly cite Twitter as a way for them to educate the public and increase transparency about their respective courts”).

87. See generally Barbara Berenson & Douglas Nazarian, *To Tweet or Not to Tweet*, 101 JUDICATURE, Winter 2017, at 70, 70 (suggesting that federal judges are discouraged from social media engagement by Judicial Conference Committee on Code of Conduct Advisory Opinion No. 112, issued in April 2017); D. Brock Hornby, *Federal Judges and Public Attention*, JUDICATURE, Autumn

judges “can and do occupy the field.”⁸⁸ As a result, state judges have a tremendous influence on issues of great significance to the judiciary and legal profession.⁸⁹

But perhaps the most compelling reason for judges to actively participate on social-media platforms is to offer the public shining examples of civic engagement during a time when there is a concerted effort by many to undermine the independence and integrity of the judiciary, as well as the rule of law.⁹⁰ If judges are

2016, at 64, 73 (noting that “[r]ejecting and avoiding the methods of how new generations communicate put federal judges at a huge disadvantage in trying to preserve cultural mores and constitutional values” and advising to “[t]ake it from a journalist who has seen her media world completely up-ended: [c]hange will occur despite you”); *see also generally* Comm. on Codes of Conduct, *Advisory Opinion No. 112: Use of Electronic Social Media by Judges and Judicial Employees*, in 2B GUIDE TO JUDICIARY POL’Y 225 (2017), <https://www.uscourts.gov/file/document/published-advisory-opinions-1> [<https://perma.cc/7HJ5-DJAJQ>].

88. Dillard & McCormack, *supra* note 3, at 188.

89. *See id.* (noting that “state judges are far more likely than our federal counterparts to have national voices on issues of great importance to the legal profession”); Browning & Willett, *supra* note 67 (noting that “[w]ith judges elected in 39 states (including Texas), social media is a fruitful way to engage with the community as well as an invaluable means of raising visibility, building awareness, and leveraging the support of key influencers and opinion leaders”); Thornburg, *supra* note 42, at 272–73 (recognizing that state judges generally maintain greater flexibility in commenting on, or responding to comments about, allegations concerning the judge’s conduct in different contexts); *cf. Republican Party of Minnesota v. White*, 536 U.S. 765, 784 (2002) (“[C]omplete separation of the judiciary from the enterprise of ‘representative government’ might have some truth in those countries where judges neither make law themselves nor set aside the laws enacted by the legislature. It is not a true picture of the American system. Not only do state-court judges possess the power to ‘make’ common law, but they have the immense power to shape the States’ constitutions as well Which is precisely why the election of state judges became popular.”).

90. *See* JOHN G. ROBERTS, JR., 2024 YEAR END REPORT ON THE FEDERAL JUDICIARY 7 (2024) (“Disinformation, even if disconnected from any direct attempt to intimidate, also threatens judicial independence. This can take several forms. At its most basic level, distortion of the factual or legal basis for a ruling can undermine confidence in the court system. Our branch is peculiarly ill-suited to combat this problem, because judges typically speak only through their decisions. We do not call press conferences or generally issue rebuttals [T]he modern disinformation problem is magnified by social media, which provides a ready channel to ‘instantly spread rumor and false information.’ I endorsed a renewed emphasis on *civic education* as the best antidote for combatting the epidemic of misinformation.” (emphasis added)), <https://www.supremecourt.gov/publicinfo/year-end/2024year-endreport.pdf> [<https://perma.cc/C83C-Y962>]; Ray J. Koenig III, *The Role of Young Lawyers in Protecting the Rule of Law*, CBA REC., Mar./Apr. 2024, at 6, 6 (noting that “frequent criticism

unwilling to thoughtfully engage and educate the public about the judiciary, then the public square is likely to be dominated by those attempting to politicize and denigrate our courts. We cannot allow this to happen.

III. ADDRESSING LEGITIMATE CONCERNS

That said, there are serious, understandable concerns by the bench, bar, and public surrounding the use of social media by judges.⁹¹ To be sure, instances of judicial misconduct can and do erode public confidence in the judiciary; and this danger is exponentially increased when that damaging behavior takes place on a social-media platform—where the news of judicial misconduct can spread quickly.⁹² There is also no doubt that social-media platforms can and do “encourage oversharing and

of judges and judicial decisions, often via social media, undermines the perceived independence and integrity of the judiciary by suggesting that judges should align with a political agenda rather than uphold the law impartially”); Paul L. Friedman, *Federal Judge Addresses Vanishing Trials, Declining Public Respect for Judiciary*, MONT. LAW., Feb./Mar. 2024, at 14, 15 (noting that “[w]idely disseminated personal attacks on judges by politicians and candidates for office, as magnified through social media . . . are not just reprehensible; they don’t just undermine the reputations of judges who have dedicated themselves to the administration of justice . . . [but are] ‘nothing less than an attack on our system of government.’”); Lee, *supra* note 53, at 799 (noting that Judge Steve Leben of the Kansas Court of Appeals has expressed approval of “[j]udicial tweeting” in a “day and age” when many Americans get their news from social-media platforms and “those platforms are being used to delegitimize the judiciary”).

91. See Thornburg, *supra* note 42, at 287–89 (providing an overview of concerns associated with a judge’s use of social media).

92. See Bernard & Fisher, *supra* note 46 (“Individual judges can partake in the social media conversation, too, if their actions are consistent with the [judicial canons] Wearing a robe is an honor but also entails certain responsibilities to the judiciary as an institution. Judges’ personal use of social media can cause problems by creating an appearance of bias or impropriety, and erode public trust and confidence in the judicial system.”); Erik Ortiz, *Reprimand of Judges for Social Media Misconduct Warrants Updated Guidelines, Experts Say*, NBC NEWS (July 8, 2021, at 04:32 ET), <https://www.nbcnews.com/news/us-news/reprimand-judges-social-media-misconduct-warrants-updated-guidelines-experts-say-n1273179> [<https://perma.cc/Q333-AYE3>] (“While the frequency of which judges are accused of breaching online ethics protocols is not regularly tracked, a review of dozens of these cases reveals a serious lapse in judgment among many of them, which judicial ethics experts believe is being stoked, in part, by the nation’s political divide and the pervasiveness of social media.”).

disinhibition” and that their “very design steers users to communicate in ways that deviate from real-world behavior.”⁹³ So, I understand the underlying concerns behind these objections, and I share them to some degree. But a viral moment or lapse in judgment can happen to anyone; and this is true regardless of whether someone is actively participating on social media.⁹⁴ And given the all-pervasive use of cellphones in modern society, the likelihood is that a misbehaving judge will end up as fodder for discussion on social-media platforms.

The “solution” to these legitimate concerns is not to shun the transformative technological advancements in communication and pressure judges to avoid social-media platforms altogether.⁹⁵ This approach is both

93. McPeak, *supra* note 21, at 206; *see also* Steve Klepper, *Judges Should Blog More But Learn from Judge Kopf's Mistakes*, MD. APP. BLOG (July 10, 2015), <https://mdappblog.com/2015/07/10/judges-should-blog-more-but-learn-from-judge-kopfs-mistakes/> [<https://perma.cc/LTF9-G3GN>] (noting that “[t]he greatest risk in [using social media] is its immediacy” because it is “easy to post one’s thoughts, without time for reflection, whenever the urge strikes” and acknowledging that “there have been success stories, including Texas Supreme Court Justice Don Willett, Georgia Court of Appeals Judge Stephen Dillard, and U.S. Magistrate Judge Paul Grewal (N.D. Cal.)”).

94. *See* Dillard & McCormack, *supra* note 3, at 188–89; Thornburg, *supra* note 42, at 290–91 (citing John C. Blue, *A Well-Tuned Cymbal? Extrajudicial Political Activity*, 18 GEO. J. LEGAL ETHICS 1, 59–60 (2004)).

95. *See* Federalist Society Panel, *supra* note 50, at 78 (noting that “[j]udges are supposed to be experts in language and communication, yet when we consider the reactions of many state bar associations to judges using social media, as well as the comments frequently made by judges about social media, there is . . . a lot of resistance to change and technology”); Sharon G. Lee, *To Tweet or Not to Tweet: And If You Do, Do It Right*, TENN. B.J., Sep./Oct. 2021, at 20, 25 (noting that while “ethical missteps by others may have prospective tweeters looking nervously toward the exit doors,” the “social media genie is already out of the bottle, and the greater danger may be that judges and lawyers will sit on the sidelines and not engage . . . [even though they have] an opportunity through social media to communicate with the public—truthfully—about the law, the legal profession and our system of justice” and to “serve by example—viewing information with a wary eye before sharing it, promoting trusted sources, and consciously diversifying our own content diet with a wide range of perspectives”); Dillard & McCormack, *supra* note 3, at 179–80 (“The view that campaigning is antithetical to holding a judicial office is one iteration of a broader view that judges shouldn’t be actively engaging the public except in limited circumstances. And unsurprisingly, judges are far less inclined to engage the public than other elected officials.”).

shortsighted and unwise. Judges are already far less inclined than other elected officials to engage the people we serve, and that is not a net positive for the public's perception of the judiciary. Now, perhaps more than ever before, "citizens are interested in understanding and following the judiciary; and technology has given judges unique, cost-effective tools to engage and educate the public."⁹⁶ So, my advice is for judges to be proactive and thoughtfully consider having an established, positive presence on at least some of the most popular social-media platforms—or, at the very least, encourage their courts to do so. As Justice McCormack and I have previously emphasized, the best defense for judges will often be a good offense; and a robust, well-established social-media presence will help safeguard your reputation with the public.⁹⁷ As one technology and brand management expert has astutely noted:

Today, social media is not just a platform for casual interactions; it is a powerful tool that can significantly enhance your . . . reputation through effective online reputation management. When used

96. Dillard & McCormack, *supra* note 3, at 180; *see also* John G. Browning, *Ethical Risks in Judicial Use of Social Media*, GPSOLO, Jan./Feb. 2022, at 55, 56 (noting that "[u]sing social media platforms can be a tremendous positive for judges to demystify the judiciary, display their humanity, and remove distance from the communities they serve"); Browning, *supra* note 18, at 224 (noting that "[j]udges are hardly immune to the siren song of social media use, and in many ways that's a positive thing" because "social media platforms can be a vital political tool for those judges who must run in partisan elections, a useful means of engagement with the communities they serve, and an important asset in educating the public about the judiciary's role and fostering confidence in the integrity of the judiciary"). *But see* Sarah Stula, *Coffee Break with Justices Marla Luckert and Caleb Stegall*, J. KAN. B. ASS'N, Oct. 2019, at 13, 14 (quoting Justice Stegall as having scaled back his participation in social media after an "initial foray," and despite respecting friends who regularly tweet "as a means of public outreach and education," noting that he has "grown more and more skeptical of the medium as a fruitful conduit for communicating the values the judiciary is meant to embody—respect, fairness, thoughtfulness, deliberation[,] and impartiality").

97. *See* Dillard & McCormack, *supra* note 3, at 189 ("[T]he best way to stop any attempt to take our words or actions out of context is to have an established, positive presence on social media. That is, the best defense is a good offense. A strong social-media presence allows you to help control and protect your reputation and image as a public official.").

strategically, social media can help you engage with and inform your target audience, leading to a stronger and more positive brand presence online The reach of social media is unparalleled. It provides immediate access to both potential and current [constituents], allowing [users] to interact in real-time, gather . . . feedback, and build lasting relationships. Tracking and engaging in online conversations is crucial for gathering . . . feedback and fostering stronger relationships. A well-executed social media strategy can transform your online reputation, making your brand more approachable and trustworthy in the eyes of [constituents].⁹⁸

In sum, judges can use social media to humanize themselves to the people they serve, help demystify the judiciary, and increase the public's confidence in the judiciary. Rather than being a random, faceless public servant, a judge's social-media presence can—when done intentionally and skillfully—create an *authentic* personality for your online “brand,” which is essential “for building trust with your audience.”⁹⁹ Indeed, when you directly engage your constituents “transparently and personably” on social media, “by sharing stories, values, and behind-the-scenes content, you foster a deeper connection with your audience, making them more inclined to [support] you.”¹⁰⁰

Another frequent objection to judges actively participating on social-media platforms is that doing so somehow degrades the office they hold.¹⁰¹ But in my view, this objection is based on a fundamental misunderstanding of social media. It is not the platform,

98. Roz Sheldon, *Using Corporate Social Media to Improve Your Online Reputation*, IGNITYE (Aug. 26, 2024), <https://www.ignitye.co.uk/blog/using-social-media-to-improve-your-corporate-online-reputation/> [<https://perma.cc/BH6M-9DFS>].

99. *Id.*

100. *Id.*

101. Browning, *supra* note 17, at 135 (observing that courts have warned that certain conduct, especially on social media, “can easily be misconstrued and create an appearance of impropriety” (quoting *State v. Thomas*, 376 P.3d 184, 198 (N.M. 2016))).

but the substance posted to the medium that can be demeaning to the judge and the judiciary. Judges are (or should be) in complete control of the content they post on social-media platforms. If judges can dictate the substance of a speech given to a local civic club, they should likewise be able to show similar restraint and discipline in making online remarks. The bottom line, then, is this: If a judge's online content is educational, informative, civil, and authentic, it will only enhance the public's faith in the judiciary.¹⁰² And importantly, unlike the traditional and customary events attended by most judges (which typically involve only other members of the legal community), a judge's social-media posts are (or should be) accessible to *everyone*. I think the latter approach to outreach has a certain Jeffersonian, town-hall purity to it and is far more likely to increase public confidence in the judiciary than the clubby confines of the former. As for *ex parte* communications made via social media (which is a fear many judges understandably have), the solution is the same as it would be in real life: report them immediately.¹⁰³ In the end, the "responsible use of social media is really just about exercising good judgment,"¹⁰⁴ which should come naturally to judges.

Along these same lines, many legal traditionalists claim that having a social-media presence undermines the public's confidence in judges being impartial. As social-media savant David Lat has previously noted:

Judges who are formal, dry, and tight-lipped off the bench convey a strong sense of objectivity to the public and to the litigants who appear before them. These judges might not have much personality, but

102. *Id.* at 154 ("[T]here is nothing wrong with a judge sharing true and publicly available information about proceedings via social media, so long as the judge otherwise adheres to judicial canons and refrains . . . from making any comment that might call into question the judge's impartiality.").

103. In my time on social-media platforms as a judge, I can only recall a handful of instances in which I received an *ex parte* communication from a party in a case before me. And in each case, I immediately reported the unsolicited communication to our Clerk of Court, who then advised the parties of it.

104. Federalist Society Panel, *supra* note 50, at 74.

presumably they don't have personal biases that would interfere with the impartial administration of justice.¹⁰⁵

And in all fairness, I think that is certainly how many in the older generations (i.e., the Silent Generation, the Boomers, and even a significant percentage of Gen Xers) feel about how judges should behave, but my sense—from having actively participated on many social-media platforms for over 15 years now—is that the younger generations (i.e., the Millennials, Gen Z, and the upcoming Gen Alphas) do not feel this way at all. There is an increasing demand from the public for its elected and appointed public servants to be more accessible, transparent, and humble. I believe they are right to demand all these things.

Again, this type of objection is really fear-based. The concern is that judges may eventually say something on social media that is wildly inappropriate and end up embarrassing themselves, as well as the courts on which they serve.¹⁰⁶ To be sure, judges should do everything in their power to promote an impartial and independent judiciary. So, any unseemly or controversial remark by a judge who undermines that value is extremely damaging to the public's perception of and confidence in the judiciary. But there is also a serious risk of reputational and institutional harm when judges remain almost entirely isolated from the people they serve. And there is something a little disquieting and strange about premising an objection on the presumed inability of judges to behave in a professional and restrained manner on social-media platforms. If there are indeed genuine concerns about certain judges using social media, then maybe we need to consider replacing them with better judges. In the end, “[t]ransparency reveals

105. Lat, *supra* note 7.

106. See Bernard & Fisher, *supra* note 46 (“Wearing a robe is an honor but also entails certain responsibilities to the judiciary as an institution. Judges’ personal use of social media can cause problems by creating an appearance of bias or impropriety, and erode public trust and confidence in the judicial system.”).

what it reveals,”¹⁰⁷ and it won’t always be a pretty sight—even if it is ultimately illuminating.

That said, there are obviously certain inflammatory topics that judges should avoid.¹⁰⁸ But discussing issues and concerns that do not call into question a judge’s impartiality or independence can actually *increase* the public’s trust and confidence in the judiciary.¹⁰⁹ Social media is simply another—and far more effective—way for judges to engage and communicate with the people they serve; and if the substance of a judge’s commentary on social media is positive, uplifting, or informative, then it is hard to see why these platforms should be avoided.¹¹⁰ The stark reality is that social-media platforms are the primary means of communication for most citizens; and judges ignoring this reality would be a serious and costly mistake.¹¹¹ It is imperative for judges to make every effort to be transparent and accessible to the public; and social-media platforms enable and empower us to do that in a transformative and meaningful way.¹¹²

Finally, many judges are rightly concerned that actively participating on social-media platforms creates

107. See Dillard, *supra* note 25, at 12.

108. See Thornburg, *supra* note 42, at 269 (“While there are few [judicial] rules [of ethics] that specifically address social media use, the rules governing judicial speech apply to digital media just as they would to a speech to the local chamber of commerce.”).

109. See Browning, *supra* note 17, at 153–54.

110. *Id.* (detailing a case study of a Special Court of Review’s order recognizing that “communications and interaction via social media are no different . . . than more traditional forms of communication” (quoting *In re Slaughter*, 480 S.W.3d 842, 849 (Tex. Spec. Ct. Rev. 2015))).

111. *Id.* at 133 (“Punishing judges for reaching out to and connecting on social media with the community they serve is not the answer . . .”).

112. See *id.* at 154; see also Joe Forward, *Derek Mosley: Connecting Cultures and Community*, WIS. LAW., Apr. 2023, at 10, 10 (noting that, as a municipal judge in Milwaukee County, Judge Derek Mosley often used social media to offer his almost 5,000 followers on Instagram and nearly 15,000 followers on Facebook “tips on how to stay safe and how to stay out of trouble”—such as mentioning that New Year’s Eve is “one of the worst nights for drunk driving” and urging followers to use ride-share apps and programs rather than drive while impaired).

unique security risks.¹¹³ To be sure, social media has often been “weaponized to allow extremists to identify where judges live, where their children go to school, and what cars they drive, and to share these specifics on social media while encouraging toxic online communications to threaten judges and commit acts of violence.”¹¹⁴ Unfortunately, much of this same information can be obtained about a judge even when he or she has no active presence on any social-media platform.¹¹⁵ Even so, there are several common-sense measures a judge can take while using social-media platforms that will (hopefully) help minimize your security risks as a public official:

- If you want to post about a specific event at a specific location on social media, consider doing so after the event is over. (This is often called a “Latergram” on the social-media platform Instagram).¹¹⁶
- Make sure you thoroughly understand the privacy settings for any social-media platform on which you participate.¹¹⁷

113. See Herbert B. Dixon Jr. & James L. Anderson, *The Evolving Nature of Security Threats to Judges*, JUDGES’ J., Summer 2023, at 8, 10 (noting that “[a]ttacks [on judges] increased calls in recent years for measures to protect judges’ personal information, which can often be easily accessed through the internet”).

114. Timothy S. Tomasik, *Judicial Security: The Judicial System Is Blinking Red*, CBA REC., Sep./Oct. 2022, at 6, 7.

115. See, e.g., David McKeague, *Modernizing Security Measures to Protect Federal Judges and Their Families*, JUDICATURE, Fall/Winter 2020–21, at 3, 3 (noting that “judges and law enforcement authorities do not have a sufficient warning system for threats that arise through the internet,” and “[t]he prevalence of personally identifiable information on the internet that can be used to distinguish or trace an individual’s identity . . . includes home addresses, phone numbers, and even information about immediate family members”).

116. Herbert B. Dixon, Jr., *Tech and No-Tech Security Considerations for Judges*, JUDGES’ J., Summer 2021, at 36, 37 (noting that “[o]n social media and other online interfaces, judges should opt out of providing personal information to the public and avoid making advance announcements of planned trips and events to be attended,” and that “[e]ven comments on social media about trips or vacations in progress should be avoided as this advises the public that you are not at home”).

117. See Bernard & Fisher, *supra* note 46 (noting that “[j]udges using social media should acquaint themselves with the security and privacy policies, rules,

- Be sure to “[u]se caution when posting to social media, particularly when it comes to personally identifiable information,” because “once information has been posted to a social networking site, that information can no longer be considered private.”¹¹⁸
- Report any remotely threatening message or post on social media to the appropriate law enforcement agency, and often do searches for your name on social-media platforms to determine whether there are any possible or emerging threats.

It should go without saying that this isn’t nearly an exhaustive list of the security measures a judge can or should take when using social media; and all judges should be in constant communication and consultation with the law-enforcement officers charged with their safety and protection. In the end, each judge must assess their own security risks and situation and determine how much information they are willing to (or deem prudent to) share on social-media platforms.

IV. GETTING STARTED ON SOCIAL-MEDIA PLATFORMS AND AVOIDING COMMON MISTAKES

The preceding Parts of this article have identified the benefits and costs of judges using social-media platforms as a form of public outreach, and (hopefully) have made the case that the benefits far outweigh those costs. Still, to help mitigate the downsides often associated with judges using social media, Parts IV and V of this article will be more prescriptive in nature and make suggestions for judges who are interested in

and settings, periodically review them, and exercise caution”); Kurita, *supra* note 54 (noting that judges “should monitor all activity on his or her account and frequently review the social media privacy settings”).

118. NAT’L CTR. FOR STATE CTS, PERSONAL SAFETY TIPS FOR JUDGES AND COURT STAFF 6 (Oct. 2023), <https://www.ncsc.org/sites/default/files/media/document/personal-safety-tips-judges-court-staff-2023.pdf> [<https://perma.cc/PG4H-KUDM>].

engaging and educating the people they serve on social-media platforms.

So, how do you go about deciding what type of content to post on social-media platforms and how do you engage with the public online? What are some helpful rules of the virtual road for interacting with those you serve? What are the most common (and costly) mistakes you are likely to make on social media? And with so many social-media platforms, which ones should you choose to use to meaningfully and effectively connect with your fellow citizens? These are all legitimate and fair questions asked by judges who are interested in—but understandably cautious about—joining these ubiquitous, ever-evolving online communities.

Now, when I first became a judge, I did not give a great deal of thought about the best way to use social-media platforms beyond simply informing the public about my speaking engagements, court-related activities, and campaign events.¹¹⁹ I was worried about being misconstrued, misunderstood, and upholding the dignity and integrity of my office. As a result, my approach to social media continues to evolve as my experience on these platforms grows. That said, I have developed some guidelines for my online engagement with the public, which I hope my judicial colleagues will find useful and instructive.

But before detailing the substance of what judges should or should not post on social media, let's briefly discuss choosing the right platforms to use. Your instinct will be, understandably, to choose the most popular social-media mediums; and in many cases, that will almost certainly be the right call. In my view, Facebook is probably the best (and safest) place for a novice to begin establishing a social-media presence. Most judges already have a personal Facebook account, and so they have at least some familiarity and comfort with that

119. See, e.g., Judge Stephen Dillard (@JudgeDillard), X (Apr. 15, 2011, at 20:56 ET), <https://twitter.com/JudgeDillard/status/59057475231563776> [<https://perma.cc/9Q3P-3VRY>] (“[I am] looking forward to speaking to the West Metro GTLA on April 28th.”).

platform. You also have (or will likely have) a built-in audience on Facebook that primarily consists of family members, friends, and friendly acquaintances. And while you can certainly use your personal account for “soft” outreach as a judge (i.e., a more personalized approach to educating your mostly in-real-life friends about what you do as a judge), you should probably consider setting up a separate, official governmental page, which can then be used exclusively for judicial outreach. You may even want to establish an account solely dedicated to your campaign. Importantly, although I have often mentioned work or campaign-related events on my personal Facebook page, I *never* mention campaign-related matters on my official, governmental Facebook page. I strongly suggest you don’t either.

Another relatively safe social-media platform for judges is LinkedIn. My guess is that many of you already have LinkedIn accounts; so, like Facebook, you should already have some familiarity with this platform and how it works. Unlike Facebook, most judges often use LinkedIn to post about work or career-related matters. And while LinkedIn appears to be moving toward an environment where users share more personal information (I’ve even done this in the past few years), it is still, in my view, the most “formal” of the social-media platforms. And unlike other mediums, my experience has been that LinkedIn typically has *fewer* hostile commentators and trolls.

So, if you’re looking to dip your toe into the choppy waters of social media, Facebook (3 billion monthly users)¹²⁰ and LinkedIn (1 billion monthly users)¹²¹ are probably the best platforms to begin your online public outreach journey. After that, I would recommend establishing accounts on other social-media platforms to get a feel for those online communities. There are numerous mediums to choose from, but my

120. *Facebook*, WIKIPEDIA, <https://en.wikipedia.org/wiki/Facebook> [<https://perma.cc/PFF9-35C5>] (last visited July 28, 2025).

121. *LinkedIn*, WIKIPEDIA, <https://en.wikipedia.org/wiki/LinkedIn> [<https://perma.cc/5UAH-VSPK>] (last visited July 28, 2025).

recommendation would be to open accounts on X/Twitter (between 318 and 600 million monthly users), Bluesky (24 million users), Instagram (over 2 *billion* monthly users), and Threads (275 million monthly users).¹²² You can establish accounts using your name and title (e.g., @JudgeDoe), just your name (e.g., @JohnDoe), or you can start with a “lurker” account (e.g., @JD12345) until you are comfortable being public and active on any of these platforms. But in my experience,¹²³ these mediums can be a bit trickier to navigate than Facebook and LinkedIn, especially in the politically charged times we are living through.

Currently, X/Twitter is arguably the most controversial of the social-media platforms I recommend that judges use. I won't rehash that controversy here,¹²⁴ but you should be aware it exists and that at least some of the people you serve are outwardly hostile toward this platform and its owner. That may be enough for many of you to choose not to establish a public account on X/Twitter, but I would, at the very least, recommend setting up a lurker account just to have some familiarity with how this widely used medium works. I opened my @JudgeDillard Twitter account the day Governor Sonny Perdue announced my appointment to the Court of Appeals of the State of Georgia, so I have been using this platform for over fifteen years. And as I previously

122. See CJ Haddad, *Why X's New Terms of Service are Driving Some Users to Leave Elon Musk's Platform*, CNBC (Nov. 22, 2024, at 11:00 ET), <https://www.cnbc.com/2024/11/22/why-x-new-terms-of-service-driving-some-users-to-leave-elon-musk-platform.html> [https://perma.cc/83XN-SVMS]; Robin Geuens, *How Many Users Does Instagram have?*, SOAX (Feb. 5, 2025), <https://soax.com/research/how-many-users-does-instagram-have#:~:text=Research%20highlights%3A%20Instagram%20has%20an,most%20popular%20social%20media%20platform> [https://perma.cc/22K2-56CZ]; Zoppo, *supra* note 82 (noting that Bluesky had more than 24 million users as of December 2024).

123. I don't mean to suggest that Facebook and LinkedIn are completely free of turmoil, or that you won't ever receive a nasty comment on your pages on these platforms. That said, my experience has been that the vast majority of the drama on these platforms tends to take place in the comment sections of public posts by media or corporate entities.

124. See, e.g., *Twitter Under Elon Musk*, WIKIPEDIA, https://en.wikipedia.org/wiki/Twitter_under_Elon_Musk [https://perma.cc/XEY3-AXN9] (last visited July 28, 2025).

mentioned, in that time, I've amassed a significant following of over 38,000 accounts. This is by far my largest following on any social-media platform, so I am hesitant to just pack up and leave. Indeed, even with the ongoing controversy surrounding this medium, many of the people I serve continue to actively use X/Twitter; and again, my goal is to reach as many of my fellow Georgians as possible. So, I don't plan to leave X/Twitter anytime soon.

I am also actively posting now on BlueSky (@judgedillard.bsky.social), which is a relatively new platform that saw its user numbers skyrocket in the wake of the 2024 presidential election.¹²⁵ And as I mentioned in an interview, I like Bluesky “just from a design and functionality standpoint.”¹²⁶ It's easy to use, intuitive, and “I have seen a lot less spam [on this platform].”¹²⁷ I have also seen a rather large contingent of the former #AppellateTwitter community migrate over to Bluesky (now known as #AppellateSky),¹²⁸ and I want to stay in touch with those friends who have chosen to leave X/Twitter altogether. That said, the ongoing criticism of Bluesky is that it is overwhelmingly populated with progressive and left-leaning accounts and lacks diverse viewpoints—i.e., that it's an echo chamber.¹²⁹ But again, any controversy or criticism surrounding Bluesky is beyond the scope of this article. My point is simply to apprise you of the general (or perceived) nature of Bluesky, so that you have some idea of what you are getting into if you choose to set up an account on this medium.

125. See Bobby Allyn, *Traffic on Bluesky, an X competitor, is up 500% since the election. How will it handle the surge?*, NPR TECH. (Nov. 19, 2024, at 17:15 ET), <https://www.npr.org/2024/11/19/g-s1-34898/bluesky-traffic-surge-after-election> [<https://perma.cc/S3PG-93DV>].

126. See Zoppo, *supra* note 82.

127. *Id.*

128. *Id.*

129. See, e.g., Daniel W. Drenzer, *Is Bluesky an Echo Chamber?*, DREZNER'S WORLD (Sep. 25, 2024), <https://danieldrenzer.substack.com/p/is-bluesky-an-echo-chamber> [<https://perma.cc/3U64-FV5H>] (noting that “compared to Twitter That Was, Bluesky is more politically homogenous and more progressive”).

Next, I want to briefly discuss the Instagram and Threads platforms together because they are inextricably intertwined. Instagram has been around since 2010,¹³⁰ and for many of those years, I viewed it as a younger person’s platform (along with YouTube, TikTok, and Snapchat).¹³¹ And like many other social-media platforms geared for use by a younger audience, Instagram is generally a “photo and short-form video sharing social networking service” used to post images and videos publicly or privately.¹³² As a result, I have used this platform considerably less than the more substantive platforms. Even so, I do think Instagram is a safe social-media platform for judges to use as a means of public outreach (with an emphasis on imagery, rather than substance); and with an exponential audience, I think it would be a mistake not to create an account on this medium. As for Threads, this micro-blogging platform (as it currently exists) was launched by Instagram in 2023¹³³ to allow Instagram users to “share text updates and participate in public discussions”¹³⁴ like they are able to do on X/Twitter and Bluesky; and it is directly linked to your Instagram account, so the two platforms work together in a fairly seamless fashion. To date, Threads and Bluesky appear to be the most likely platforms to compete with X/Twitter. Although, interestingly, my experience has been that I receive far greater engagement from Bluesky than Threads (and sometimes even more than X/Twitter).

130. See Raisa Bruner, *A Brief History of Instagram’s Fateful First Day*, TIME (July 16, 2016, at 06:44 ET), <https://time.com/4408374/instagram-anniversary/> [<https://perma.cc/G3YC-9B42>].

131. See Monica Anderson, Michelle Faverio, & Jeffrey Gottfried, *Teens, Social Media and Technology*, PEW RSCH. CTR. (Dec. 11, 2023), <https://www.pewresearch.org/internet/2023/12/11/teens-social-media-and-technology-2023/> [<https://perma.cc/G3PK-587E>] (noting that YouTube, TikTok, Snapchat, and Instagram “remain the most widely used online platforms among U.S. teens”).

132. *Instagram*, WIKIPEDIA, <https://en.wikipedia.org/wiki/Instagram> [<https://perma.cc/9Q2X-5WGH>] (last visited July 28, 2025).

133. *Threads (social network)*, WIKIPEDIA, [https://en.wikipedia.org/wiki/Threads_\(social_network\)](https://en.wikipedia.org/wiki/Threads_(social_network)) [<https://perma.cc/KR7J-6RNP>] (last visited July 28, 2025).

134. *Threads*, INSTAGRAM, <https://about.instagram.com/threads> [<https://perma.cc/Y8VB-TG78>] (last visited July 28, 2025).

There are, as previously mentioned, other social-media platforms available for use by judges to engage the people they serve; but, in my experience, those mediums—e.g., Snapchat and YouTube—are not as conducive or successful to my style of judicial outreach.¹³⁵ This doesn't mean those platforms won't necessarily work for you though, and I would still encourage you to consider establishing accounts on them (or using one of your family member's accounts), so that you will have some understanding of how these wildly popular mediums function. It is also important to stay informed about new or emergent social-media platforms and determine whether you should add one of them as part of your social-media outreach portfolio. I am doing exactly that with the medium Substack, which seems to be picking up steam with those who wish to convey their thoughts and musings in more of a long-form format.¹³⁶

Once you have chosen your preferred social-media platforms, you will then need to decide how active you wish to be. But the first thing you need to understand is that your remarks on social media should be as intentional and restrained as those you make during in-person appearances. The canons of judicial conduct apply to judges engaging the public on social-media platforms

135. I also established accounts on Mastodon and Clubhouse, but neither platform seemed to catch on or work well with my style of outreach. I had a TikTok account for a relatively brief period, but I deleted it due to security concerns with the platform. *See, e.g.,* David Vergun, *Leaders Say TikTok is Potential Cybersecurity Risk to U.S.*, DEPT. OF DEF. NEWS (Aug. 6, 2023), <https://www.defense.gov/News/News-Stories/Article/article/3354874/leaders-say-tiktok-is-potential-cybersecurity-risk-to-us/> [<https://perma.cc/6YZ3-4AQG>] (“The problem with TikTok is that a large number of Americans use it, and China may have the ability to direct misinformation through it, as well as collect data from it The scale and scope of the platform is problematic.”).

136. *See Substack*, WIKIPEDIA, <https://en.wikipedia.org/wiki/Substack> [<https://perma.cc/2KAL-E6JZ>] (last visited July 28, 2025) (describing this social-media platform as “an American online platform that provides publishing, payment, analytics, and design infrastructure to support subscription-based content, including newsletters” and “allows writers to send digital content directly to subscribers”); *see also Judge Dillard’s Substack*, <https://judgestephen-dillard.substack.com/> [<https://perma.cc/LP24-39TZ>] (last visited July 28, 2025).

just as they do in the “real world.”¹³⁷ As a result, this makes many of my content decisions on social media relatively straightforward.¹³⁸ For example, I never

137. See ABA Comm. on Pro. Ethics & Grievances, *supra* note 42, at 1–2 (noting that, subject to the judicial canons, judges may participate on social-media platforms and that the existence of a social media connection does not necessarily mean a judge is inappropriately biased); Torikoglu, *supra* note 62 (noting that “[t]he first area of criticism concerns judges and their level of sophistication when it comes to understanding social media features” and that “[j]udges are not subjected to any per se law preventing them from having social media accounts, with the understanding that their activity does not violate the canons of judicial conduct”); Thornburg, *supra* note 42, at 269; Artigliere et al., *supra* note 64, at 22 (noting that “[j]udges need guidance and information on how they may ethically connect with others via social media,” and that “[t]hose who decide to use social media must learn and remain current as to conduct that complies with the judicial canons, as well as social media relationships that may lead to recusal or disqualification from cases”).

138. See ABA Comm. on Pro. Ethics & Grievances, *supra* note 42 (“A judge may participate in electronic social networking, but as with all social relationships and contacts, a judge must comply with relevant provisions of the Code of Judicial Conduct and avoid any conduct that would undermine the judge’s independence, integrity, or impartiality, or create an appearance of impropriety.”).

In October 2018, the Supreme Court of California added this instructive commentary to Canon 2A of its state code of judicial ethics:

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 Canons 2B(2) (lending the prestige of judicial office), 3B(7) (ex parte communications), 3B(9) (public comment about 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).

CAL. CODE OF JUD. ETHICS Canon 2A cmt. (CAL. JUDGES ASS’N amended 2018).

And in July 2022, the Supreme Court of Illinois formally adopted a new Code of Judicial Conduct, including in its preamble and scope “a warning related to potential misconduct in misusing social media,” which provides that the Code applies 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

discuss any internal deliberations that go on with my Court, pending cases, or issues I may possibly be called upon to consider in the future.¹³⁹ Just as in any real-life setting, judges should exercise good judgment and faithfully abide by the judicial canons.¹⁴⁰ Relatedly, judges should not discuss cases they have already decided or any internal deliberations related to those specific controversies.¹⁴¹ Judges should also refrain from criticizing “political figures, lawyers, or litigants,” providing “legal advice,” posting anything “relating to [non-campaign-related] fundraising,” or making any statement that can be viewed as discriminatory, showing a “strong bias or possible influence,” or displaying “inappropriate humor.”¹⁴² In Georgia, the only type of

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.

Jasmine V. Hernandez & Trisha M. Rich, *Illinois Supreme Court Ushers in Substantial Change with Enactment of New Code of Judicial Conduct*, CBA REC., Nov./Dec. 2022, at 18, 18.

139. See Thornburg, *supra* note 42, at 269–73; Browning & Willett, *supra* note 67, at 102 (noting that “judges shouldn’t discuss pending cases—period”); see also *United States v. Sierra Pac. Indus., Inc.*, 862 F.3d 1157, 1175–76 (9th Cir. 2017) (noting that “this case is a cautionary tale about the possible pitfalls of judges engaging in social media activity relating to pending cases, and we reiterate the importance of maintaining the appearance of propriety both on and off the bench”).

140. See *supra* notes 135–36 and accompanying text; see also GEORGIA CODE OF JUD. CONDUCT r. 2.10 (A) (amended 2016) (last visited July 28, 2025) (“Judges shall not make, on any *pending proceeding* or *impending matter* in any court, any *public comment* that might reasonably be expected to affect its outcome or impair its fairness or make any non-public *comment* that might substantially interfere with a fair trial or hearing.” (emphasis added)).

141. See Thornburg, *supra* note 42, at 271–72. In addition to not responding to commentary about my cases, I also strongly recommend that my judicial colleagues not highlight articles or other online commentary about those cases. *Id.* at 272–73 (“It is safer, perhaps, for one judge to defend another than for the judge under attack to exercise digital self-defense.”). I believe a judge’s opinions should speak for themselves.

142. Reyes Jr., *supra* note 16, at 24; see also Carolyn A. Dubay, *Public Confidence in the Courts in the Internet Age: The Ethical Landscape for Judges in the Post-Watergate Era*, 40 CAMPBELL L. REV. 531, 552–53 (2018) (noting that

fundraising a judge can mention or participate in on social media is for his or her own campaign.¹⁴³ I've done this occasionally, but I try to limit it as much as possible. My concern is that if a judge is frequently using social media for campaign purposes, this undermines the use of those platforms for civic engagement. It's far better, in my view, to have separate and explicit campaign social-media accounts.

Here is just a sampling of serious judicial missteps on social media over the past few years:

- A Philadelphia Court of Common Pleas judge was suspended for the remainder of his term on the bench due to his overtly political posts¹⁴⁴—e.g., bragging that he consistently received an “F” rating” from the National Rifle Association during his time as a legislator; criticizing a Republican congressman for opposing a piece of federal legislation, while simultaneously praising President Biden for supporting it; regularly praising Democratic politicians; engaging in commentary expressing support for raising the minimum wage.¹⁴⁵
- A New Jersey superior court judge was suspended for three months for “TikTok

“judicial disciplinary agencies and judicial ethics advisory committees have increasingly been confronted with potential threats to public confidence in the courts arising from the social media conduct of judges,” and that “[t]he range of misconduct occurring on social media includes ex parte communications with parties or witnesses, inappropriate sexual conduct, racially charged statements, inappropriate campaign or political conduct, or various other kinds of improper or undignified behavior”).

143. See, e.g., GEORGIA CODE OF JUD. CONDUCT r. 4.2 (B) (amended 2016) (noting that “[j]udicial candidates may personally solicit campaign contributions and publicly stated support”).

144. See Aleeza Furman, *Disciplinary Court Suspends Phila. Judge for Political Facebook Posts*, THE LEGAL INTELLIGENCER (Oct. 7, 2024, at 14:59 ET), <https://www.law.com/thelegalintelligencer/2024/10/07/disciplinary-court-suspends-phila-judge-for-political-facebook-posts/?slreturn=20241230163649> [https://perma.cc/7LA6-Z245].

145. See *Judge Mark B. Cohen*, No. 1 JD 23, 2024 Pa. Jud. Disc. LEXIS 5, at 5, 8, 10–12, 18–19 (Pa. Ct. of Judicial Discipline 2024), [https://www.pa.courts.us/Storage/media/pdfs/20240503/141842-opinion\(may3,2024\).pdf](https://www.pa.courts.us/Storage/media/pdfs/20240503/141842-opinion(may3,2024).pdf) [https://perma.cc/7SWG-DT6K].

videos in which he lip-synced songs with ‘references to violence, sex, and misogyny.’”¹⁴⁶

- A municipal judge from Utah was suspended by the Supreme Court of Utah for, among other things, posting numerous critical remarks about President Trump, including one explaining that he planned to adopt a cat “before the President-elect grabs them all.”¹⁴⁷
- A Massachusetts housing court judge was publicly reprimanded by the state’s supreme judicial court for, among other things, posting or sharing numerous conservative-leaning political articles, opinion pieces, and memes, including some casting doubt on the legitimacy of the 2020 presidential election.¹⁴⁸
- A California superior court judge was publicly censured and disbarred for using Facebook to post “anti-Islam, anti-illegal immigrant, anti-Native American, anti-gay marriage and transgender, anti-liberal, and anti-Democrat” sentiments.¹⁴⁹
- A South Carolina probate judge was suspended for eighteen months for, among

146. Sean O’Driscoll, *US Judges Have a Social Media Problem*, NEWSWEEK (Oct. 20, 2024, at 03:00 ET), <https://www.newsweek.com/judges-posting-social-media-ethics-complaints-judicial-robos-new-jersey-philadelphia-1970494> [https://perma.cc/A6EW-L9PF].

147. See Dennis Romboy, *Utah Judge Who Criticized Donald Trump Online and In Court Suspended*, DESERETNEWS (May 24, 2019, at 16:19 ET), <https://www.deseret.com/2019/5/24/20674107/utah-judge-who-criticized-donald-trump-online-and-in-court-suspended/> [https://perma.cc/82QZ-3X4F]; see also *In Re Kwan*, 443 P.3d 1228, 1229, 1232 (Utah 2019).

148. Luis Fieldman, *Mass. Judge Joseph Michaud ‘publicly reprimanded’ for Facebook Posts, Memes*, MASS LIVE (Feb. 14, 2023, at 08:34 ET), <https://www.masslive.com/politics/2023/02/mass-judge-joseph-michaud-publicly-reprimanded-for-facebook-posts-memes.html> [https://perma.cc/QB5F-R5YR].

149. Bernard & Fisher, *supra* note 46, at 43; see also *Former Commissioner Joseph J. Gianquinto* (Cal. Comm’n Jud. Performance 2018), https://cjp.ca.gov/wp-content/uploads/sites/40/2018/08/Gianquinto_DO_Censure_8-22-18.pdf [https://perma.cc/J3XM-5B96].

other things, using Facebook to solicit hurricane-relief donations.¹⁵⁰

If judges do any of these things on social-media platforms in violation of the judicial canons, it will certainly result in the public questioning their neutrality, as well as their fitness to serve in a judicial capacity, and result in a loss of faith in the judiciary. To put it plainly, any such incident will call into question “the three core values in judicial ethics—impartiality, independence, and integrity.”¹⁵¹ It should go without saying, then, that judges actively using social media should do everything in their power to avoid embarrassing themselves or their courts.

Judges should also not engage in or even come close to participating in—directly or indirectly—partisan politics. To be sure, some states effectively force their judges to seek election by affiliating with a political party (not Georgia, thankfully); but a judge should still do everything to avoid being viewed as nakedly partisan by the public.¹⁵² This can undoubtedly be challenging at times.¹⁵³ Even in states like Georgia (which holds nonpartisan judicial elections), judges still need to campaign, fundraise, engage in extensive networking, and seek to connect with voters of every political stripe.

150. Debra Cassens Weiss, *Judge is Suspended Once Again for Social Media Posts—This Time for Soliciting Hurricane Donations*, ABA J. (Oct. 20, 2021, at 10:05 ET), <https://www.abajournal.com/news/article/once-again-judge-is-suspended-for-social-media-posts-this-time-for-soliciting-hurricane-donations> [<https://perma.cc/KCW3-MYKX>]; see also *In re Johns*, No. 2021-000994 (S.C. 2021), <https://www.sccourts.org/opinions/HTMLfiles/SC/28064.pdf> [<https://perma.cc/L369-N6FX>].

151. Dubay, *supra* note 143, at 553; see also Thornburg, *supra* note 42, at 287–88.

152. See John G. Browning, *It's 3 A.M.: Do You Know What Your Staff Just Posted? Social Media Ethics Pitfalls for Appellate Lawyers and Judges*, 22 J. APP. PRAC. & PROCESS 49, 76 (2022) (noting that “whether one attributes it to a more casual regard for social media or a misplaced sense of anonymity online, judges posting about politically or socially controversial matters on social media platforms is a growing problem”).

153. Browning, *supra* note 17, at 135 (observing that courts have warned that certain conduct, especially on social media, “can easily be misconstrued and create an appearance of impropriety,” especially in the context of judicial election campaigns (quoting *State v. Thomas*, 376 P.3d 184, 198 (N.M. 2016))).

But in the end, election strategies must give way to a judge's oath of office. Judges should not do anything during the course of a campaign (or at any other time) that would cause those who come before them to lose confidence in their ability to treat parties fairly.¹⁵⁴ It is imperative for judges to convey to the public that we are not duty-bound to any political organization or special-interest group—that our only duty is to uphold the rule of law without fear or favor.¹⁵⁵ So, how can judges best convey this crucial message to the people we serve?

To begin with, I never make public statements on political issues or criticize other public officials. Judges should scrupulously avoid anything resembling partisan political activity. Needless to say, a judge offering an opinion on divisive issues like tort reform, gun rights or control, abortion, immigration issues, the death penalty, or any other hotly debated political topic is squarely at odds with any version of the code of judicial conduct.¹⁵⁶ I also decline to comment on controversial legal matters like Supreme Court reform (e.g., “court packing”), confirmation hearings for federal judges or Supreme Court Justices, whether a particular opinion from the Supreme Court of the United States was rightly decided, or any other controversy involving another judge, justice,

154. See *The State of State Courts: A 2018 NCSC Public Opinion Survey*, NAT'L CTR. FOR STATE CTS., <https://web.archive.org/web/20241110143922/https://www.ncsc.org/consulting-and-research/areas-of-expertise/court-leadership/state-of-the-state-courts/2018-state-of-state-courts-survey> [https://perma.cc/8NM4-MSAH] (stating in a summary of its polling that “[c]onfidence in the state court system has reached a new high since the start of the State of the State Courts series [began in 2012]”) (last visited Dec. 17, 2025); see also NAT'L CTR. FOR ST. CTS, *supra* note 35, at 6 (noting that the number of respondents who said the words “fair and impartial” describe state courts well or very well increased seven percentage points from 2017 to 2018).

155. See Justin C. Van Orsdol, *Reining in Recusals*, 2023 WIS. L. REV. 1821, 1838–39 (2023) (noting that, as a result of the “rise of social media and public appearances” by judges, “we may soon see increases in recusal motions for public comments and ideological stances made by judges in editorials, social media, conventions, and law review articles”); Browning, *Ethical Risks in Judicial Use of Social Media*, *supra* note 96, at 55 (noting that a district court judge was almost forced to recuse from a case due to his activity on social media).

156. See Thornburg, *supra* note 42, at 290.

or court. Judges should resolve controversies, not create them.

That said, there is nothing wrong with a judge speaking out on nonpartisan issues of great importance to the legal profession. But judges still need to be extremely cautious in how they express their views on *any* topic, even when it is an important issue about the administration of justice.¹⁵⁷ Again, judges are rightly expected to exercise good judgment; and the words we use to express our opinions matter greatly. It will come as no surprise, then, that my advice to judges is to “pick your battles.” If you are going to speak out on an important issue involving the courts or the effective administration of justice (especially one that is perceived by many in the legal community to be somewhat controversial), you had better be sure that you are precise with your words and prepared to be publicly criticized for taking a stand on that issue. I have done just that with my repeated (but respectful) requests that the Supreme Court of the United States reconsider its decision not to livestream (with both video and audio) their oral arguments. In sum, I firmly believe justices and judges are directly accountable to the public (regardless of whether they are subject to elections or enjoy life tenure), and that the people are entitled to witness their Supreme Court Justices serving them in cases involving some of the most important issues faced by our country.¹⁵⁸

157. Browning, *supra* note 17.

158. I feel this way about the federal district and circuit courts as well; and in fact, my dear friend, former Supreme Court of Michigan Justice Bridget McCormack, submitted eloquent and compelling written testimony to the U.S. House of Representatives in support of such a change in policy. *See* Letter from Hon. Bridget M. McCormack, C.J., Mich. Sup. Ct., to U.S. House Comm. on the Judiciary (Sep. 24, 2019), <https://docs.house.gov/meetings/JU/JU03/20190926/110028/HHRG-116-JU03-20190926-SD002.pdf> [<https://perma.cc/BE5S-NXDY>].



Judge Stephen Dillard ✓
@JudgeDillard

This is fantastic news.

That said, my hope is that SCOTUS will eventually livestream its oral arguments—just like so many other federal and state courts across the nation.

The courts belong to the people.

Bloomberg Law ✓ **@BLaw** · 12/12/24
The public will soon be able to apply online to attend a Supreme Court argument live in person.
blawgo.com/OPI3pRT

But before I first made this public pronouncement,¹⁵⁹ I spent a long time thinking about whether it was appropriate or advisable for a state intermediate appellate judge to publicly opine on how another court—especially the highest court in our nation—operates. Ultimately, I used my high-profile social-media presence to respectfully and gently encourage the Supreme Court to revisit its policy because I strongly believe the civic benefits—e.g., transparency, accessibility, and education—achieved from airing such proceedings are far too important not to emphasize. Other judges might choose to sit this issue out (and that is fine); but I am confident that my commentary on this important civic issue was

159. See Judge Stephen Dillard (@JudgeDillard), X (Nov. 5, 2017, at 10:24 ET), <https://x.com/judgedillard/status/927179836040327168?s=46> [<https://perma.cc/P3KD-4DKB>]; see also Jonathan Evans, *U.S. Supreme Court's 'Next Big Thing': The Telephone*, VOICE OF AM. (Apr. 25, 2020), <https://learningenglish.voanews.com/a/us-supreme-court-s-next-big-thing-the-telephone/5386716.html> [<https://perma.cc/QY2X-URZC>] (noting that “[Judge] Stephen Dillard serves on the Georgia Court of Appeals,” “supports openness in the courts,” and “told The Associated Press, ‘This [live audio streaming of SCOTUS oral arguments] is a great first step, and I’m excited about it, but I hope they will go further in years to come and allow live video streaming’”).

appropriate and in line with the type of speech permitted (indeed encouraged) by the judicial canons.

Second, I highly recommend adopting a consistently applied, neutral, nonpartisan policy for following or connecting with people on social-media platforms. Although I think it is foolish for anyone to believe a lawyer or party will receive preferential treatment in a case simply because they have a tenuous social-media connection with a judge,¹⁶⁰ there are preventive measures a judge can take to provide assurances to the public that these online connections are (or should be) of little concern. For example, judges can allow anyone to follow their social-media accounts and follow back or accept connection requests from any individual residing in their jurisdiction or state (I do this with any requests from someone residing in Georgia).¹⁶¹ To paraphrase a line from one of my favorite movies, if everyone is special, then no one is special.¹⁶² Judges should also apply this state or jurisdiction-specific policy to political, policy, or other nonprofit groups. Indeed, my social-media followers include accounts from both major political parties and interest groups from almost every conceivable side of any issue.¹⁶³ Again, I want to be

160. Cari Sheehan, *Social Media and 'Friending' Judges, Jurors, and Other Parties*, RES GESTAE, July/Aug. 2023, at 28, 29 (“Unfortunately, there is no bright-line rule on whether a connection is proper or improper. Each connection is viewed on a case-by-case basis depending on the underlying relationships of those involved. It is always best to err on the side of caution and, if in doubt, do not friend.”).

161. If a judge has a personal Facebook or Instagram account, my recommendation is to either keep the account relatively private and limited to family members and close friends or accept all requests from people who live in the judge’s area of representation. The latter is my policy. I accept friend and follow requests on all social-media platforms from any self-identifying Georgian.

162. See *The Incredibles Quotes*, IMDB, <https://www.imdb.com/title/tt0317705/quotes/> [<https://perma.cc/M8RV-HB5P>] (last visited Feb. 14, 2025) (“Helen: Right now, honey, the world just wants us to fit in, and to fit in, we gotta be like everyone else. Dash: But Dad always said our powers were nothing to be ashamed of, our powers made us special. Helen: Everyone’s special, Dash. Dash: [muttering] Which is another way of saying no one is.”).

163. I take this approach with national accounts too. For example, I follow (and am followed by) the Federalist Society and the American Constitution Society on X/Twitter.

accessible to as many Georgians as possible, and to let them know that I am proud and honored to serve all of them as a judge on the Court of Appeals of the State of Georgia.

Judges (understandably) worry about who to follow quite a bit.¹⁶⁴ Indeed, many of my colleagues wrongly assume that having a lawyer as a social-media friend automatically requires recusal from a case when that lawyer appears before them.¹⁶⁵ This is simply not the case. As with any friendship, it is the nature of the relationship that determines whether a judge should disclose the connection or recuse from the case. But judges should be aware of the ethics and judicial opinions on this subject in their respective states or jurisdictions. Unsurprisingly, different judicial ethics committees have given different advice about whether judges may connect on social-media platforms with attorneys who are likely to appear before them in court.¹⁶⁶ State appellate courts have also cautioned against judges using social media improperly.¹⁶⁷

164. See generally John G. Browning, *Why Can't We Be Friends? Judges' Use of Social Media*, 68 U. MIAMI L. REV. 487 (2014).

165. *Id.* at 490 (comparing social media interactions—such as adding friends on Facebook or following on Twitter—to ex parte communications).

166. See Cynthia Gray, *Social Media & Judicial Ethics: Part 1*, JUD. CONDUCT REP., Spring 2017, at 2, 12, 14, <https://ncsc.contentdm.oclc.org/digital/collection/judicial/id/456> [<https://perma.cc/K6LQ-FUF3>] (noting that “the committees in Connecticut, Florida, Massachusetts, and Oklahoma have advised that judges should not add lawyers who may appear before them as ‘friends’ on Facebook or permit those lawyers to add them as ‘friends,’” but also noting that “the judicial ethics advisory committees in California, Kentucky, Maryland, New Mexico, New York, Ohio, and Utah concluded that whether a judge may connect on social media with a lawyer who appears before her depends on an analysis of the nature and scope of the specific relationship”); see also *id.* at 17–20 (concluding that disqualification based on a social media connection between the judge and a lawyer in a case is not automatically required but that the “connection is one factor a judge should consider in deciding whether her impartiality might reasonably be questioned” and that other actions, such as disclosure of the relationship and un-friending the attorney, might be required).

167. See, e.g., *State v. Thomas*, 376 P.3d 184, 198 (N.M. 2016) (noting that “[w]hile we make no bright-line ban prohibiting judicial use of social media, we caution that ‘friending,’ online postings, and other activity can easily be misconstrued and create an appearance of impropriety”); see also *L. Offices of Herssein & Herssein, P.A. v. United Servs. Auto. Ass’n*, 271 So. 3d 889, 899 (Fla.

Third, judges need to be especially careful about what they like, favorite, or repost on social-media platforms. When you like or favorite a tweet or post, most mediums will then publicize your favorable treatment of that content to other users on those platforms.¹⁶⁸ As a result, your impartiality can be reasonably questioned simply by liking political posts, even if you are not directly making those comments.¹⁶⁹ I highly recommend regularly (if not daily) checking to make sure that you haven't mistakenly liked a controversial statement on social media, which can easily happen on almost any social-media platform.¹⁷⁰ It is also vital to keep in mind that you cannot like or repost a statement that you are prohibited from making directly as a judge. If you do, it will fairly be seen as an endorsement of that viewpoint. It should go without saying that you cannot do indirectly what you are forbidden from doing directly.¹⁷¹

2018) (disagreeing with state ethical committee's 2009 opinion that judges cannot add attorneys who practice before them as "friends" on Facebook and concluding that such a relationship, standing alone, does not warrant disqualification). *But see id.* at 899–900 (Labarga, J., concurring) (agreeing with the majority opinion, but encouraging judges to forego using Facebook at all because maintaining Facebook friendships with attorneys appearing before the judge is "quite simply, inviting problems"); *id.* at 900 (Pariante, J., dissenting) (asserting that "a judge's involvement with social media is fraught with risk that could undermine confidence in the judge's ability to be a neutral arbiter," and advocating for a strict rule that judges must always disqualify themselves from cases in which an attorney with whom the judge is Facebook friends appears before her or him).

168. Browning, *supra* note 17, at 136 ("Judges are also cautioned to regard all social media postings as public communications and not to be lulled into complacency by reliance on privacy settings.").

169. *See* Browning, *Ethical Risks in Judicial Use of Social Media*, *supra* note 96, at 55 ("It is important to note that it's not just overt activity that can spell trouble for judges. Even more benign conduct, such as clicking a 'like' or 'heart' icon in response to someone else's post or tweet, can raise doubts about a jurist's impartiality. So can sharing or retweeting a link to what someone else has posted . . .").

170. *See How to Like a Post*, X, <https://help.x.com/en/using-x/liking-posts-and-moments> [<https://perma.cc/3WJS-SG6P>] (last visited July 28, 2025).

171. Bernard & Fisher, *supra* note 46, at 44 (noting that judges "must be wary of endorsing posts by others through 'some affirmative action' which can create the impression that the judge has adopted the comments," that "[i]f something written online by someone else would be inappropriate for you to say as a judge, then it's wrong to 'like,' 'follow,' repost, or otherwise endorse it," and that

Finally, judges need to understand and assume that anything they post on a social-media platform can be or will be eventually seen by everyone; and this is true even if you only have personal or private social-media accounts. As the American Bar Association's Formal Opinion 462 aptly explains:

Judges must assume that comments posted to a [social-media platform] will not remain within the circle of the judge's connections. Comments, images, or profile information, some of which might prove embarrassing if publicly revealed, may be electronically transmitted without the judge's knowledge or permission to persons unknown to the judge or to other unintended recipients. Such dissemination has the potential to compromise or appear to compromise the independence, integrity, and impartiality of the judge, as well as to undermine public confidence in the judiciary.¹⁷²

To loosely quote a famous phrase from the *Harry Potter* novel series, a judge's creed on social-media platforms should be "constant vigilance."¹⁷³ You must always, *always* assume that people are watching you, whether it is online or in real life—because they are.

V. MAKING THE MOST OF YOUR ONLINE PRESENCE

Having discussed the things judges should avoid doing on social-media platforms, I will now cover what they can and should do with their online public engagement. In my view, it is crucial for your social-media presence to closely resemble who you are as a person. As in real life, it is a horrible idea to try to be someone you are not. Even so, there is certainly nothing wrong with using your social-media accounts to offer up

"[p]osting a heart, a 'thumbs up,' or some similar type of emoji will be deemed endorsement or adoption of the comment or statement in question.").

172. ABA Comm. on Pro. Ethics & Grievances, *supra* note 42, at 1–2.

173. J.K. ROWLING, *HARRY POTTER AND THE GOBLET OF FIRE* 217 (2000) ("You've got to appreciate what the worst is. You don't want to find yourself in a situation where you're facing it. CONSTANT VIGILANCE! . . .").

the best version of yourself to the public. For example, you can promote civility, kindness, and professionalism, even though you lose your cool from time to time. I often stress the importance of being kind and charitable to others on social media because I also need to be reminded of that timeless virtue.



Judge Stephen Dillard 
@JudgeDillard

This is a difficult time of year for many of our friends. Be kind. Love your neighbor. Live your faith. Take the time to make someone feel special.

9:06 PM · 12/16/24 · 13K Views

I also often share my interests outside the law with those who follow me on social media. Again, I think it is worthwhile for judges to reveal aspects of their personal lives with those they serve. It humanizes the judiciary and is a subtle way of reminding lawyers not to allow their work (important as it is) to consume them. As one of my colleagues, Justice John J. Ellington of the Supreme Court of Georgia, is fond of saying, “There’s life outside of a courtroom—get one.”¹⁷⁴ The people you serve are genuinely “interested in knowing what kind of person you are when you take off the robe; so share your hobbies and passions with them.”¹⁷⁵

174. Charles McNair, *A deep bench*, UNIV. OF GA. (Nov. 30, 2023), <https://www.terry.uga.edu/a-deep-bench/> [<https://perma.cc/YED8-FZJP>].

175. Dillard & McCormack, *supra* note 3, at 195.

 **Judge Stephen Dillard** 
@JudgeDillard

There are 66 days until the return of college football.



 **Judge Stephen Dillard** 
@JudgeDillard

Old Man Dillard!



Now, I fully recognize that some of my colleagues may find it unorthodox for judges to disclose aspects of their personal lives to the public. Indeed, I think for many judges, lawyers, and even some citizens, there is a sincere fear that judicial use of social media will ultimately undermine the public's respect for the judiciary. Again, I respectfully disagree. I believe that when judges responsibly use social media to engage the people we serve it humanizes the judiciary, makes judges far more accessible and transparent to the public, and promotes greater confidence in the judicial branch.¹⁷⁶ As one legal scholar has aptly and eloquently noted,

While separate extrajudicial speech can demonstrate that judges are members of a larger community, judges nonetheless continue to be seen as symbols and representatives of the law and justice. The potential impact of their separate speech goes beyond public perceptions of an individual judge, and has implications for the integrity of the court. When a judge is defending the integrity of the judicial institution or engaging in public outreach and education, this might strengthen the judiciary and safeguard the integrity of judicial decision-making process, rather than undermine it. As is the case in the United States, greater public awareness of a court's activities may in fact help build its institutional legitimacy. Particularly in an era of backlash against the judiciary—both domestically and internationally—external deliberation through separate judicial speech may be the last line of defense of the rule of law.¹⁷⁷

My social-media accounts all take a more personalized approach to online engagement in an effort to make the judiciary more transparent and accessible to the public, as well as (hopefully) increasing confidence in the judiciary. But not every judge can or should bear that

176. See Dillard & McCormack, *supra* note 3, at 195.

177. Cosette D. Creamer & Neha Jain, *Separate Judicial Speech*, 61 VA. J. INT'L L. 1, 53 (2020) (footnote omitted).

burden immediately. It takes time and maybe even expert help to skillfully use social media as a means of public engagement. I certainly had a slow start on social media. Indeed, my social-media presence has evolved, in part, as a result of follower feedback and suggestions. In fact, shortly after I began using social-media platforms as a means of public outreach, a law student sent me a “direct message” strongly encouraging me to tell my followers more about who I am as a person off the bench. This excellent suggestion was well received (and greatly appreciated), and I began to develop a more personal form of online engagement with the public.

To be sure, some of my tweets are fairly typical of what you’d expect to see from any elected official using social media to engage in outreach to those they serve—highlighting speaking events or CLEs, announcing official proceedings (e.g., oral arguments), general civic engagement, job openings, news profiles of the Georgia judicial system, work or campaign-related announcements, and the like. These posts can range from being fairly conventional to (hopefully) clever. It really depends on how you, as a judge, want to hold yourself out to the public—i.e., what kind of “brand” you are seeking to cultivate. In this respect, I think it helps (at least initially) to place different types of online content into buckets. And while there are more “content buckets” than those mentioned in this article, it is helpful for judges interested in engaging the public on social media to have some sense of what constitutes appropriate online commentary along with some accompanying examples. So, here are my six go-to buckets of content for social media: (A) transparency and accessibility; (B) civility and professionalism; (C) civics; (D) educational; (E) mentoring; and (F) personalization/humanization. And what follows are numerous examples of each category—with the caveat that there will naturally be some overlap between these content buckets.

A. *Transparency and Accessibility*

One of the most important things judges and courts can do to engender trust and confidence in the judiciary is to be as transparent and accessible as possible.¹⁷⁸ And for this reason, many of my tweets are geared toward providing the public with a peek behind the curtain of Georgia’s appellate courts. For example, I frequently post about our constitutional “distress” periods/deadlines,¹⁷⁹ livestreams to oral arguments, appointments to our Court or the Supreme Court of Georgia, job opportunities, retirement ceremonies, important committee work, and other newsworthy court-related matters and events.



Judge Stephen Dillard 
@JudgeDillard

This is a friendly reminder that both the @SupremeCourtGA and the Court of Appeals of Georgia livestream oral arguments. You can watch them at these links:

gasupreme.us/court-informat...

media.swagit.com/gaappeals/

9:43PM · 1/2/18

178. See Elizabeth D. Walker, *Social Media for the Bench and Bar*, W. VA. LAW., Spring 2019, at 24, 26 (“Chief Judge Dillard and I agree that public servants like judges need to be connected, accessible and transparent”).

179. See generally Stephen Louis A. Dillard, *Open Chambers Revisited: Demystifying the Inner Workings and Culture of the Georgia Court of Appeals*, 68 MERCER L. REV. 1, 2–7 (2016) (explaining how Georgia’s constitutional two-term rule impacts the internal operations of the Court of Appeals and creates “distress” deadlines for the Court).



Judge Stephen Dillard 
@JudgeDillard

The distress (two-term) deadline for April Term 2024 cases for @AppealsCourtGA and @SupremeCourtGA is on 11/1. If you want to learn more about “distress,” you can read all about it at the link in the quoted tweet. #AppellateTwitter



Last edited 9:37 PM · 10/21/24 · 4.3K Views



Judge Stephen Dillard 
@JudgeDillard

Chief Judge Amanda Mercier, Presiding Judge Brian Rickman, and yours truly were all sworn in to our new six-year terms as judges of the Court of Appeals of the State of Georgia (@AppealsCourtGA) this morning. #AppellateTwitter



B. Civility and Professionalism

Judges must lead by example. If we fail to demonstrate professionalism and civility in our interactions on and off the bench, how can we expect lawyers or other members of the public to do so? And we

can use social-media platforms to highlight and emphasize the crucial role civility and professionalism play in our chosen vocation. For example, a judge can post about civility-related initiatives, notable examples of civility by prominent justices and judges, engaging anecdotes that highlight the importance of civility and professionalism, as well as links to writings and speeches on civility and professionalism.



Judge Stephen Dillard ✓
@JudgeDillard

Speaking of civility, here are Justice Kagan's wonderful remarks about J. Scalia at the @georgemasonlaw dedication:
m.youtube.com/watch?t=4m05s&...



Judge Stephen Dillard ✓
@JudgeDillard

Mine is when opposing counsel—in a hotly contested case—agreed to join my motion seeking to vacate and reissue an order that I had never received from the trial court so I could file a timely appeal. I'll never forget his kindness and professionalism.



Fmr. Justice Sarah Beth Landau @Ju... · 4/6/21

In honor of Day of Civility in the Law (4/16) what is your favorite story of civility or professionalism? One of mine is when opposing counsel and I were both at our first 5th Cir. argument, v. nervous. When no one filled the wa...

C. Civics

Now, more than ever before, it is essential for judges and courts to promote civics education. I find myself increasingly discussing the dire need for our country to heavily invest in civics education. And in doing so, I

regularly post about civics organizations and initiatives—like iCivics,¹⁸⁰ Civics Break (by the Bolch Judicial Institute of Duke University Law School),¹⁸¹ ConSource,¹⁸² the Center for Civic Education,¹⁸³ and the like. It is crucial for judges to carry on Justice Sandra Day O'Connor's tremendous legacy of enthusiastically supporting civics education for the next generation of Americans.



Judge Stephen Dillard ✓
@JudgeDillard

“The late Justice Sandra Day O’Connor named 2024 Bolch Prize recipient for foundational work in civics education”
[judicialstudies.duke.edu/2023/12/the-la... via](https://judicialstudies.duke.edu/2023/12/the-la...)
[@BolchJudicial](#)



The late Justice Sandra Day O'Connor named 2024 Bolch Priz...

From judicialstudies.duke.edu

180. See ICIVICS, <https://vision.icivics.org/> [<https://perma.cc/6XCT-FT6U>] (last visited Dec. 2, 2025).

181. See *Civics Break*, BOLCH JUD. INST. OF DUKE L. SCH., <https://judicialstudies.duke.edu/civics-break/> [<https://perma.cc/UKS2-C8FK>] (last visited Dec. 2, 2025).

182. See CONSOURCE, <https://www.consource.org/> [<https://perma.cc/4ART-TKRT>] (last visited Dec. 2, 2025).

183. See CENTER FOR CIVIC EDUCATION, <https://www.civiced.org/> [<https://perma.cc/ZY54-CHUF>] (last visited Dec. 2, 2025).



Judge Stephen Dillard ✓
@JudgeDillard

“Worked Out Great’: Judges, Others Praise Civics Academy for Improving Offenders’ Lives” [at.law.com/fjDCiP?cmp=sha...](https://www.law.com/fjDCiP?cmp=sha...) via [@DailyReport](#)



From law.com

D. Educational

One of the best things judges can do on social-media platforms is educate the public about the inner workings and culture of the judiciary, as well as other aspects of our profession. You can do this by using social media to amplify writings and speeches that you have already completed or shared (I frequently do this), or you can answer general questions about your court, law school, law practice, and similar matters in real time by holding question and answer sessions with your followers (I do this less often) or just answering questions from followers as they are posed to you (I do this regularly).



Judge Stephen Dillard ✓
@JudgeDillard

On this day in history, SCOTUS was expanded from seven to nine justices. #appellatwitter

National Center for State Courts - 4/10/23
On this day in 1869, Congress increased the number of justices on the #SupremeCourt from seven to nine. That number has remained the same ever since.

(📷 : @NatGeo) #SCOTUS



Judge Stephen Dillard ✓
@JudgeDillard

On this day in history, February 1, 1790, the Supreme Court of the United States assembled for the first time in the Exchange Building in New York City. #appellatwitter
supremecourt.gov/about/institut...



Judge Stephen Dillard ✓
@JudgeDillard

It's great to see @NoahRFeldman on this @AJEI_Summit panel discussing "The Ethical Tightrope: Navigating Media Influence and Judicial Integrity." #AJEI2024



3:36 PM · 11/16/24 · 3K Views

E. Mentoring

Social media provides judges with a unique and powerful way to mentor the next generation of lawyers. You can do this by providing the kind of educational material previously mentioned, but you can also move from the general to the specific with student members of your audience and provide career advice, help with goal setting, offer encouraging words, and give an insider's view of the profession or the judiciary.



Judge Stephen Dillard ✓
@JudgeDillard

You shouldn't argue in your statement of facts, but you should craft an overarching narrative that supports your argument. Tell your client's story in such a way that the judge reading your brief is already predisposed to rule for you when he or she gets to your argument. t.co/9YefnyZcOI



Judge Stephen Dillard ✓
@JudgeDillard

A good oral argument is a conversation between the lawyers and judges. And in my view, it's difficult to have a productive discussion when the questions being posed by the judges—no matter how legitimate they may be—have a hostile tone.

3:40 PM · 2/8/24 · 44K Views

26 52 324 14

Most relevant replies ▾



Tahmineh Dehbozorgi ✓ @DeTah... · 2/9/24 ...

Any tips for moot court competition?

1 1 667



Judge Stephen Dillard ✓ @Judge... · 2/9/24 ...

My advice is: Know the record and relevant authorities cold; prepare for a discussion with the judges, not a speech; understand the other side's argument as well as your own; concede any weakness in your argument that don't doom your position; have an overarching narrative for your argument; think hard about the types of questions you would ask if you were the judge, and then practice answering them; and keep your composure no matter how hard the judges try to rattle you. Best of luck!



Judge Stephen Dillard ✓
@JudgeDillard

One of the most rewarding things you can do in life is to mentor others in your chosen profession.

F. Personalization/Humanization

This final categorical bucket requires a greater degree of explanation because it is, by far, the broadest content category. But generally speaking, the purpose of “personalization/humanization” content on social media

is to let the public know more about who you are as a person off the bench. Again, I understand that many judges may have some discomfort with sharing personal details of their lives; but if you're required to be elected or re-elected by the people you serve, you may want to consider opening up a bit. Here are some different (and fairly benign) ways to do that.

You will often see posts on my social-media feeds about various non-legal subjects. For example, I regularly feature my undergraduate alma mater, Samford University, and its athletic teams on my social-media accounts. My undergraduate experience was transformative, and a significant part of who I am today is directly attributable to the academic and spiritual formation I received at Samford University. And given how actively involved I continue to be with Samford, it only makes sense to share this part of my life with the public.





As much as I love watching my Dogs compete, this is what really matters.

Samford Sports @SamfordSports · 2d

THE definition of Student-Athletes !!

Bulldogs have the highest graduation success rate in Alabama and the SoCon. We have the second highest in the nation 🐾

ms.spr.ly/6016WtclC

#AllForSAMford



10:45 PM · 11/21/24 · 2K Views

My family members also occasionally make appearances on my social-media accounts—including personal moments/milestones and humorous quips from my bride and children. My family means everything to me, so it is only natural to share aspects of my family life with those I serve.



#ThrowbackThursday with my bride (1992).



It's official! Krista and I are thrilled to announce that Lindley will join the Class of 2025 this fall at [@SamfordU](#). There are no words to describe how proud we are of Lindley or how excited we are that she will be attending our beloved alma mater. [#AllForSAMford](#)



 **Judge Stephen Dillard** ✓
@JudgeDillard

Jackson Dillard: Outstanding Attorney



 **Judge Stephen Dillard** ✓
@JudgeDillard

Happy 12th birthday to my beautiful, intelligent, funny, and spirited Mary Margaret. I love you, sweet girl.



And our rescue dog, Sirius Black, is often featured on my social-media feeds. Unsurprisingly, my posts about Sirius frequently receive numerous likes and retweets. Spoiler alert: People love pets.



Sirius is judging all of you.



I also share photographs of my beautiful church and other landmarks from around Georgia.



Seventh Sunday in Ordinary Time.



4:08 PM · 2/22/20



It's a cold but beautiful day in Atlanta.



8:34 AM · 1/10/24 · 2.5K Views



I also discuss and sometimes debate grammar, typography, and word processing issues with followers. These are all topics that I care about, and—judging by the amount of engagement I receive when posting about these topics—I am apparently not alone in my nerdiness.



Delete your account.

AP APStylebook @APStylebook · 10/1/18
Let's start with a topic we rarely hear about: the Oxford comma! We say: Use commas to separate elements in a series, but do not put a comma before the conjunction in most simple series: The flag is red, white and blue. He would pick Deb, Xi...

4:59 PM · 10/1/18






And I occasionally share my views and preferences on music (a recurring feature called “Chambers Music,” where I share my favorite songs or albums with my followers), books and other writings, and certain pop culture matters.








I am one of the world's biggest HIMYM fans, so this made my day.

Liked
by Craig Thomas and 9 others


 **Judge Stephen Dillard** @Ju... · 29m ...
My wife says it's @jasonsegel, so that's my choice too.



 **JACKSON LANZING** @Jac... · 2d
Who plays you in your biopic?



1 1 11 1 1

 **Craig Thomas** @HimymCraig Following
Co-Creator, How I Met Your Mother, MOLLY AND THE MOON, The Goodwin Games, American Dad!, Letterman.



Shrinking really is an incredible show. And the latest episode is a timely and beautiful reminder of the importance and power of forgiveness in our lives.

6:44 PM · 12/24/24 · 2.1K Views



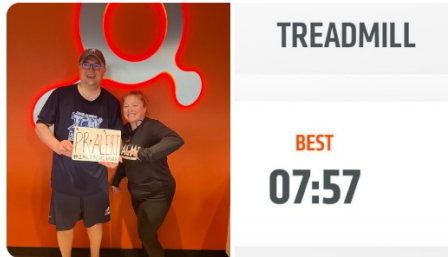
I have even shared my fitness and health journey with my followers, which started in August 2022 and continues to this very day. I was reluctant to do so initially, but I finally disclosed this deeply personal information as a means of holding myself accountable. My thinking was that if I made a habit of posting my daily exercise routine to thousands of online friends, it would help me stay the course. And it did. What I did not expect—and was pleasantly surprised by—was just how invested and inspired many of my followers became in my fitness journey. They appreciated my vulnerability in sharing the details of my lifestyle changes, as well as my willingness to post photos documenting my weight loss (seventy pounds to date). And I have responded to numerous public and private messages over this period, answering questions and encouraging others who have also struggled to maintain a healthy lifestyle. In doing so, I have benefitted as much from those exchanges as those I sought to help. Here is just a sampling of the posts I have made (or received from my followers) related

to my health and wellness journey over the past few years.



Judge Stephen Dillard
@JudgeDillard

When I started my exercise journey last August, it took me 21 minutes to walk one mile. But today, I ran a mile in under 8 minutes and shaved over a minute and a half off of my previous PR. I really appreciate all of the encouragement so many of you have given me along the way.

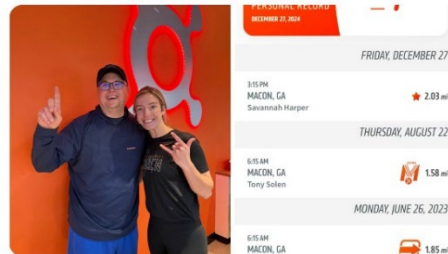


7:28 AM · 5/17/23 · 52K Views



Judge Stephen Dillard
@JudgeDillard

“Catch Me If You Can” is one of the more challenging @orangetheory benchmarks for me, so it really felt good to finally get past the two-mile mark and secure a new PR.



Last edited 4:24 PM · 12/27/24 · 3K Views



Judge Stephen Dillard ✓
@JudgeDillard

You can really tell the difference in these photos. I waited until today to do a comparison (as a reward of sorts).

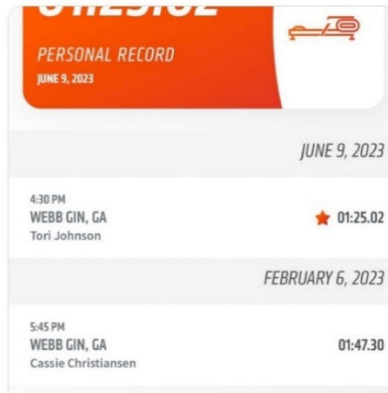


11:50 AM · 10/2/22



Eddie Greenblat @EddieGreenblat · 6/9/23 ...
Replying to @JudgeDillard

I hit a PR today too - and you're a big reason I started my fitness journey at @orangetheory - thanks for the encouragement!



Now, I want to be clear about something: I am not suggesting that you (as a judge) need to disclose this level of personal detail about your life to effectively engage with the public. I had my reasons for doing so, and I am thankful that I shared my health and fitness journey on social media; but you may not feel comfortable publicizing this type of information, and there is nothing wrong with that. That said, I do think the overwhelmingly positive reaction from the public and my

followers is a powerful reminder that people crave (and are inspired by) authentic leadership from their elected officials.¹⁸⁴

Finally, I have recurring Twitter habits that have evolved over time (in addition to my “Chambers Music” posts). I often take “judicial notice” of birthdays, remind Georgia lawyers and the public of when my Court’s constitutional “distress” deadlines are coming up, highlight the appellate practice classes I teach at Mercer Law School, and post the following tweet (sometimes in a video format) every Friday at or around 5:00 p.m.: “I hope that all of you have a wonderful and relaxing weekend. And as always, please be good to each other.”

Again, I understand that many judges will be reluctant to adopt this kind of personal approach with the public; but candidates for almost every other public office are already revealing aspects of their personal lives to make voters feel more connected to them. They do this for a reason: It works. Social media can humanize a branch that is called upon to make life-changing decisions for the public every day; and I believe the judiciary benefits enormously from having thoughtful and caring judges directly engage the people they serve on the social-media platforms those citizens use daily.

Even so, there is a downside to being on social media, and judges need to know this from the get-go. You will almost certainly receive a scathing tweet or critical message at some point in your online journey. And when this happens, my advice is simple and straightforward: Do not engage. It is a bad idea to get into online spats with your critics. There is no upside to judges “fighting fire with fire,” and you are playing right into the hands of someone who is almost certainly trying to provoke you for his or her own amusement. I also highly recommend that you do not block anyone (especially from your home

184. See, e.g., Cedra Mayfield, *The New Judge Dillard: He’s Changed*, THE FULTON CNTY. DAILY REP. (Nov. 18, 2022), <https://www.law.com/dailyreportonline/2022/11/18/the-new-judge-dillard-hes-changed/?slreturn=20241228-11022> [<https://perma.cc/RBE2-FFAV>].

state).¹⁸⁵ That is what they want you to do, and it will likely result in that person publicizing your block and attempting to create a narrative that you are thin-skinned and unwilling to engage with those who criticize you. Instead, my advice is to simply mute your unruly critics and let them scream into the void.¹⁸⁶ But it is important not to assume that every critic is acting in bad faith. If someone is asking you a legitimate question or offering constructive criticism that you can and should address (e.g., why your court's livestreaming feed isn't working well), you should make a point of kindly responding to those types of inquiries. And if you are uncertain about your critic's intentions, you will usually find out quickly what they are. And if your critic reveals himself to be a troll or bad-faith actor, you have every right to immediately withdraw from the conversation.¹⁸⁷ Judges should be accessible to the public, but we are not obliged to continue engaging with someone who's being rude or abusive.

Finally, just as there is a time and season for everything, there is also a time *not* to tweet. I regularly take a hiatus from posting on social media. Sometimes, it's because I have too much going on with my personal life and work, and I don't have the time to meaningfully engage on those platforms. Other times, I simply need a break from it all. And on some days, it's just prudent to remain silent in the wake of certain events—a

185. In fact, circuit courts have held that doing so violates the First Amendment—at least in some contexts. Vera Eidelman, *Court Rules Public Officials Can't Block Critics on Facebook*, ACLU (Jan. 9, 2019), <https://www.aclu.org/blog/free-speech/internet-speech/court-rules-public-official-s-cant-block-critics-facebook> [<https://perma.cc/LG6Y-V5AM>]; Jonathan William Peters, *Public Officials: Beware Blocking Critics on Social Media*, ABA (July 22, 2019), <https://www.americanbar.org/groups/litigation/committees/civil-rights/practice/2019/blocking-social/> [<https://perma.cc/7EUX-TC5C>].

186. See Jon Hulsing, *Parental Alienation Is One Thing, but What Are You Going to Do When They Come for You?*, LITIG., Summer 2020, at 6, 9 (noting that when “there is an outrage in the blogosphere or social media, often the best advice for a judge is to simply ignore the posts”).

187. See Thornburg, *supra* note 42, at 272–73 (“It is safer, perhaps, for one judge to defend another than for the judge under attack to exercise digital self-defense.”).

presidential election, a natural disaster or tragic event, a controversial Supreme Court opinion, and the like. Needless to say, on days when your followers are on edge or understandably upset about something going on in the world, even the most benign post or comment is likely to be misconstrued or appear insensitive. As judges, even when we try our hardest, there are times when we are so focused on our jobs that we can log on to our social-media accounts and simply not be aware of the latest news. For this reason, I strongly recommend “taking the temperature” of a social-media platform before posting anything. You can do this by quickly looking at the “trending topics” section of that platform or taking a few moments to scroll through your feed to see what your followers and friends are commenting about that day. Lastly, while cross-posting your content across all your social-media accounts is certainly worth considering, you should always think through whether some posts may be better suited for more limited engagement. Again, a judge’s creed on social media should always be “constant vigilance.”¹⁸⁸

CONCLUSION

The public’s confidence in the third branch of government has decreased significantly in recent years, and the rhetoric used against the courts and judges—by both political leaders and regular citizens—is increasingly vitriolic and ill-informed. This is a recipe for disaster. It is crucial for the preservation of the rule of law that the people we serve have confidence in the work of the judiciary and the judges who carry out that crucial civic mission.

As Alexander Hamilton astutely noted in *The Federalist* No. 78, “the judiciary . . . has no influence over either the sword or the purse It may truly be said to have neither FORCE nor WILL, but merely judgment

188. See ROWLING, *supra* note 170.

...”¹⁸⁹ Our judgment—or more precisely, our reputation—is all we have. As a result, lawyers, judges, and the courts must do everything in our collective power to defend and promote the need for an independent judiciary in our tripartite system of government. But judges must lead the way. We wear the black robes, and we have the built-in platforms to directly engage the public in a meaningful, powerful, and transformative way. And I sincerely believe we can do this by embracing the social-media platforms the people we serve use daily. These mediums have revolutionized the way public servants communicate with the public, and judges can (and should) use these platforms to engage and educate our fellow citizens and demystify the courts.¹⁹⁰

Like those serving in the executive and legislative branches, judges are directly accountable to the people we serve; and I believe we need to start acting like it. As the Georgia Code of Judicial Conduct rightly emphasizes, “a judicial officer and person specially learned in the law . . . is in a unique position to contribute to the improvement of the law, the legal system, and the administration of justice.”¹⁹¹ And social media allows judges to share their views on these important issues to an exponential audience.

The courts “belong to the people,” and they play a “unique role” in our system of government.¹⁹² The public deserves (and is starting to demand) direct access and transparency from the judiciary. Thankfully, we have the ability to provide the people we serve with an unprecedented amount of information about the inner

189. THE FEDERALIST NO. 78 (Alexander Hamilton).

190. There are now calls on the federal judiciary to “develop a constrained social media presence” to “inform public discussion of judges and rulings with posts and blogs about their nonpartisan institutional culture, the role of the judge in adjudication, how judges are different from public officials in the other branches of government, and the ways in which federal judges, though life-tenured, are nonetheless accountable.” Charles Gardner Geyh, *To Legitimacy and Beyond: A Reform Agenda to Restore Public Confidence in the Federal Courts*, 87 L. & CONTEMP. PROBS., no.1, 2024, at 1, 27.

191. GEORGIA CODE OF JUD. CONDUCT r. 3.7 (B) cmt. 1 (amended 2016); see also CODE OF CONDUCT FOR UNITED STATES JUDGES Canon 4 cmt. 1 (2019).

192. Dillard & McCormack, *supra* note 3, at 198.

workings and culture of our courts through social-media platforms. And when judges and courts use social media in a responsible and educational way, it increases the public's confidence and faith in the judiciary. In the end, judicial outreach is "a public service . . . [that can meaningfully] educate the public about the courts and foster [greater] understanding of their role and function."¹⁹³ I am proud to play a part in this crucial rethinking of how judges engage and educate the public, and my sincere hope is that more of my colleagues will join me in this worthy civic endeavor.

193. Savchak & Edwards, *supra* note 2.

