

### **Jurors' Access to Social Media and Internet Present Continued Challenges for Court**

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The jury is a critical element of the American trial system. Fundamentally, jurors are instructed to base their verdict only on the evidence presented at trial. When jurors browse the Internet and social media sites to gain additional information about their assigned case, challenging ramifications, including potential mistrial, can result.

Recently, a juror in Jefferson County, Kentucky admitted having watched a YouTube video of an A&E report on the incident involved in the criminal trial to which she was assigned. The admission was made after a verdict of negligent homicide was issued but prior to sentencing of the defendant. The judge interviewed the juror in a closed court session and concluded that the juror's viewing of the video did not prejudice the jury. In this instance, the court let the verdict stand and found no basis for holding the juror in contempt.

Readily available information on the Internet and social media sites also causes courts to take preventative measures. A Tulsa County, Oklahoma District Judge recently ordered that the docket for a medical malpractice case be taken off the court's website to prevent jurors from improperly accessing information there.

Courts and litigants will continue to be challenged by jurors seeking information outside of the evidence on social media and other websites. Read more about the Kentucky and Oklahoma matters.

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