

The Temptation to Tweet – Jurors’ Activities Outside the Trial

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Abstract

Despite jury instructions designed to prevent jurors from commenting upon the trial, their deliberations or the process by which they reached a verdict, some have ignored these instructions and face the risk of prosecution under s8 of the Contempt of Court Act 1981. In the past few years following an explosion in the use of blogging, microblogging via mobile technologies (i.e. Twitter) and social networking sites such as Facebook and MySpace, there have been reports of juror impropriety and this has led to concerns being raised by many, including the Lord Chief Justice.

This paper sets out to review a snap-shot study of Twitter, a widely-used microblogging tool that can be updated easily from a mobile phone and read widely by anyone with an Internet connection, even without being an account holder. The use of twitter, in particular by celebrities, has also become synonymous with updating the world at large on every single thought and movement of the account holder to the point of information overload. This study has limited validity, but aims to review whether jurors do indeed tweet about anything relating to their experience of jury service.

Introduction

The number of twitter users is estimated at 12 million users in the United States alone.¹

Approach

Twitter was searched for the terms “Jury Service” and “Jury Duty” occurring within the 24 hour period for one given Monday. No particular reason was given for this choice other than a possible chance that tweeters would be more likely to update their readers on the ‘week ahead’ on a Monday morning and that courts may also be more likely to be citing jurors to attend at the start of the week.

260 results were returned for “Jury Duty” which appeared to be a term predominantly used by US account holders whilst only 26 results were returned for “Jury Service” which appeared to be predominantly used in the UK. None of the results gave any details of a given trial and the majority were complaints that they were scheduled to attend for jury selection the following day. Some were

¹ Nielson Online reported in March 2008 a total of 14 million US visitors to twitter.com. See: <http://mashable.com/2009/04/28/twitter-active-users/> Emarketer.com calculated 6 million US users in 2008, rising to 12 million in 2009 and 18 million in 2010. See: <http://www.emarketer.com/Article.aspx?R=1007059>

asking how to get out of jury duty, one asked whether there was wifi in a particular court waiting room and a smaller number commented on jury duty that appeared to be ongoing, for example:

Jury duty!!!! Cross your fingers I don't get picked!
Guess who has Jury Duty in the AM. Sigh. Might as well get this [expletive] over with. You only have to go 1 time, right? Not true
5 weeks of Jury Duty later and I'm back in the saddle. Bring it on, Monday!
My first day of classes starts tomoro but I was called in for jury duty -__- I hope I get a murder case or something lol
I have jury duty tomorrow :-(-
Hoping that I won't get called in for jury duty. Fingers crossed.
Thanks to everyone who gave advice on how to not get picked for jury duty.
I will have to tivo I have stupid jury duty tomorrow

In total, 10 twitter accounts from the search were chosen at random to be followed for a period of 7 days. From the sample it was found that 6 accounts were based in the US (2 female and 4 male) and 4 were in the UK (3 female and 1 male). Overall, gender was evenly split with 5 males and 5 females. The accounts were picked at random with 5 drawn from each search result list.

Below is a summary of each account during the observation period of 1 week.

USF1

A female from Washington state who had a total of 72 tweets and had been tweeting since July 2009 exclusively via MySpace. She was not following anyone on twitter and only had 2 followers. Her website link to MySpace revealed her age to be 20 and a greater level of activity was present on this site (590 comments) and her tweets were generated from the "Status and Mood" section. This suggested that the account holder was perhaps less aware of the public nature of her twitter feed, or that it was active. The 72 tweets therefore had no retweets or replies, and a few were lengthier than 140 characters so bit.ly links to the MySpace site were automatically generated.

only 4 tweets were generated over the 7 day observation period, the first being:

just one more week of jury duty. cant wait to tell you all about it!!! all i can say for now is that it is very interesting!
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There was no further mention of jury duty in the subsequent tweets although the immediately preceding 3 tweets from three separate days the previous week mentioned her attendance at the courthouse, that it was a long day and finally that it was going to be a long two weeks.

USF2

No details given, yet following 5 people and had 9 followers. A total of 336 historical tweets were from MySpace and a total of 7 tweets were made during the observation period. Her MySpace profile indicated she was 26 and resided in the US.

The first and only jury-related tweet stated:

Ditching jury duty tomorrow. Going to work instead. Blah jury duty!

No further jury-related tweets were made and other tweets suggested that she was at work.

USM1

No information was given regarding the account holder, who was following 61 people and had 91 followers. 1484 historic tweets had been made and 60 were made in the observation period. The first jury related tweet stated:

jury duty today, [expletive], just give everyone a gun instant justice

No further relevant tweets were made until day 6, which was a weekend, when the following tweet appeared:

JUDGE PUTS LADY IN JAIL FOR BRINGING KIDS TO JURY DUTY SHE DIDN'T HAVE
DAYCARE JUDGE NEEDS TO GET HEAD OUT HIS BUTT

If this was related to the trial, only 2 jury-related tweets were made.

USM2

Located in a New England state, this male gave a link to his own website and described his profession as an illustrator. He followed 98 people, had 54 followers and had made 86 historical tweets since November 2009. 46 tweets were made during the full observation period starting with:

Jury Duty today. No laptop, no smartphone, T9 txtng twitters it is!

Two further tweets that day commented on boredom. The second day had one relevant tweet:

Was 2 numbers away from possibly maybe getting an alternate seat in the jury. I
kinda wanted to be picked.

No further jury-related tweets were made and a total of 4 jury-related tweets were made over two days.

USM3

Male located in Indiana following 112 persons and had 198 followers. 1,521 historical tweets had been made and a further 15 were made in the observation week.

The first tweet related to attending jury duty and pondered whether one of the attorneys will look like “the girl in Law & Order”. A later tweet commented on his surprise “how much of a trial is fought during the jury selection phase”. A third comment that day noted the mileage and reimbursing of costs. The second day had one relevant tweet about eating lunch at an undisclosed location and on the third day a tweet merely stated:

Guilty

A total of 5 jury-related tweets were made over 3 days.

USM4

Located in Florida, this male was following 49 people and had 6 followers. Only 33 historical tweets had been made, although over a lengthy period since April 2008, but very little activity until January 2010. The account holder gave what appeared to be his full name and a photograph, but no other links or biographical details. The first tweet observed said:

Yay! Jury Duty!.. That guy looks so guilty!!

This tweet was removed by the second day and no further tweets were made at all during the full observation period.

UKF1

Based in Scotland, this female user was following 182 people and had 344 followers. The image provided suggested that the account holder looked to be in the region of 20-25 years old. A total of 12,918 tweets had been made from this account and a further 257 were made during the observation week. The first tweet at 9:14am said:

I will have to tivo I have stupid jury duty tomorrow

“Morning all. I'm off to Jury duty today.... wonder what the case will be???”

Three tweets later that morning around 11:20am commented on the boredom and lack of refreshments before a later tweet at 12:35 stated that this person was now back at home as the trial had been

delayed due to new evidence. No further details were given. In total, 6 jury-related tweets were made during one day of observation.

UKF2

A female from the midlands area of UK following 95 people and had 23 followers on twitter. Her website linked to her YouTube channel, revealing her age to be 23. A total of 52 tweets were made during the observation period, with 372 historical tweets since June 2009.

The first jury-related tweet to be observed was at 7:30am:

I will have to tivo I have stupid jury duty tomorrow

“About to head out and catch myself a train to [name of town]. Jury service today. Fun”

Three tweets were then sent at 12:19pm stating that she had left court, returned to work and one or two other unrelated observations. No further tweets were made that day.

The following day, a tweet remarked upon the boredom of waiting around at 10:50am. A later tweet at 2:02pm was a reply to a follower saying to bring books as she had been sat with nothing to do, the follower’s tweets are private and therefore the trigger to this tweet is unknown. An hour later, a further tweet to the same follower said “I may be on a 4 week trial. 18 of us have been picked it’ll be narrowed down to final 12 in the morning looks juicy”.

On the third day, she stated that names would be picked from a hat and “I want to do this case now” with a later tweet at 1:36pm to the same follower saying:

“@[follower] I’m on a 4+ week murder trial eeeeeeeek

No further relevant tweets were observed until day 7 when a remark was made saying that the days were flying past and that there was lots of information to take in. In total, 9 jury-related tweets were made during the full 7 day observation period.

UKF3

Located in London, following 347 people and had 209 followers. This female gave no website links but listed her profession as a writer and the profile image appeared to be of someone below the age of 35. A total of 741 historical tweets and 6 tweets were posted during the observation period.

The first tweet said:

Week 8 of jury service. Now am in the not-so-fun part of returning a verdict. Are they guilty? I don't knooooooow :(

Only 1 further relevant tweet was made 7 days later indicating that the account holder had returned to work. Previous tweets before the observation period included 8 jury-related tweets although no details were given other than the courtroom number and reimbursement costs.

UKM1

Male, located in London following 112 people and had 494 followers. A website link to a clothing company appeared to be unrelated to the account holder (other than fashion preference) and the profile photo suggest that he was 18-22 years old. A total of 10,066 historical tweets had been made and it was apparent that the account holder was a university student and of African descent from previous tweets.

During his first day of observed tweeting this user sent a total of 107 tweets during the full 24 hours. The first 4 jury-related tweets stated that he was running late and a further 10 indicated boredom, the location of the court and that he had not been selected for a jury that day.

On the second day, he tweets at 9:18am:

DAY 2 - JURY SERVICE!!

Then a further 13 tweets before 10:00am and 7 more after 10:00am until an unusual gap is observed between 10:27 and 10:41. A further 6 are made before 11:00am and 8 more until a second gap between 11:47am and 12:18pm. Then 9 tweets are made until 12:39pm with one tweet at 1:33pm then a further gap between 1:38pm and 4:03pm. None of the tweets relate to jury service and are mainly re-tweets or replies to his followers.

He tweets again at 10:04am the following day:

DAY 3 - JURY SERVICE!

Then a further 15 tweets are made until a gap between 10:56am and 11:57am appears. A further 34 are made before 1pm, 53 before 2pm and a further 9 after 2pm. A second gap emerges between 2:23pm and 4:39pm when normal and prolific tweeting resumes again.

He tweets the next day at 9:39am:

DAY 4 – JURY SERVICE!!

Then a further 15 tweets are added until 10:44am. There is a lengthy break until 3:56pm when tweeting resumes.

He tweets the next day at 9:12am.

DAY 5 JURY SERVICE!!

Then 17 tweets are made before 10am and a further 3 before a gap between 10:20pm and 11:20pm. 22 tweets are made before 12pm and 26 before 12:56pm when a tweet is issued saying:

JURY SERVICE IS DONE BK 2 UNI ON MONDAY

During day 5, a follower asked: “what was the outcome of the case? Can you say...” and the account holder responded and repeated the question (re-tweeting) stating:

Yep Gulty On Majority Of 10:2

Within the observation period, the total number of tweets from this person has increased by 1,416 to 11,482 averaging 202 per day. In total, 26 jury-related tweets were made although none gave any information other than the court location, expenses, lateness and boredom whilst waiting to be selected.

Review

Of the 10 sampled accounts, only 2 appeared to be part-way through their trial (USF1 and UKF3), one account holder may not have attended court (USF2) and the remaining 7 appeared to be attending for jury selection although it is unclear whether USM1 was part-way through a trial or not.

2 of the potential 7 were not selected to serve or the trial did not start (USM2 and UKF1) which along with the 2 ongoing jurors gave a total of 7 serving jurors. 1 entered into a 4 week trial (UKF2), 2 completed their time as a juror within the week (USM3 on day 3 and UKM1 on day 5) and 1 finished a 9 week trial in the week (UKF3). Of these 3 completed trials, 2 were reported to have resulted in a conviction: USM3 gave this information freely and UKM1 was asked.