UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
350 WEST FIRST STREET
LOS ANGELES, CALIFORNIA 90012

CHAMBERS OF
PHILIP S. GUTIERREZ
CHIEF DISTRICT JUDGE

TELEPHONE
213-894-1478
FACSIMILE
213-894-4392

July 28, 2020

MEMORANDUM

To: All Incoming Judicial Assistants, Law Clerks, and Externs

From: Chief Judge Philip S. Gutierrez

Re: **Court Policy on the Use of Social Media**

Attached is the Court's policy on the use of social media by chambers staff. All incoming judicial assistants, law clerks, and externs receive a copy of this policy with the orientation materials provided by the Court's Human Resources department.

Please review this policy, and retain a copy with your Court employment records. In addition, please be advised that each Judge may choose to impose additional policies regarding the use of social media by his or her own chambers staff.

Attachment.

Ninth Circuit
Social Media Policy

The challenges and risks of social media are particularly acute for government employees who work in positions where discretion and confidentiality are imperative. Court employees work in such an environment. Court personnel are expected to keep sensitive information confidential, exercise discretion to avoid embarrassment to the Court, and take precautions to avoid unnecessary security risks for court personnel, especially the judges they serve.

The Court and the Judicial Council have set down this series of broad guidelines for court employees to consider as they navigate social media. It is recognized that judges are free to impose separate or additional policies on their personal staff.

1. **Think before you post.** Internet postings—whether they be text, photos, videos, or audio—remain accessible long after they are forgotten by the user. Beyond that, remember that nothing is "private" on the Internet despite people's best efforts to keep things private. Do not post anything on the Internet that you would not want to see or read on the front page of *The New York Times.* In short, when in doubt, don't post.

2. **Be aware of what is there.** Some social networking sites allow others to post messages and photos to your "page" – content that you may not even be aware of. If you participate in social networking, check regularly to make sure the content – whether posted by you or others – meets these guidelines.

3. **Speak for yourself, not your institution.** Court employees should abide by a simple rule: Unless you are representing the Court in an official capacity, you should not be speaking for the Court in any manner. Also remember that you are a representative of the Court and should conduct yourself in a way to avoid bringing embarrassment upon yourself and the Court. In the age of Facebook, YouTube and Twitter, many often do not think through the implications of what they post. Users often believe that their postings are private because of a social networking website's privacy features, or that their comments are untraceable because they were made under a screen name, but this information may not be private and could cause damage to your reputation and the Court's if it becomes public. If you a not speaking to someone directly or over a secure landline, you must assume that anything you say or write is available for public consumption.

4. **Safety first.** On social networking sites, many individuals list their occupations and/or places of employment. Considering the sensitive nature of the work that we do, Court employees are encouraged to discuss their place of employment in generic terms (federal appellate court) rather than identifying the Ninth Circuit Court of Appeals by name.

5. **Keep secrets secret.** Make sure to abide by all of the court's confidentiality and disclosure provisions. Employees are prohibited from disclosing directly or indirectly sensitive, non-public information to anyone outside the court, including the media and general public. Furthermore, Court employees should refrain from discussing any of the Court's internal processes and procedures, whether they are of a confidential or non-confidential nature.

6. **Remember the Code of Conduct**, including the confidentiality provisions. Any public postings are governed by the *Code of Conduct for Judicial Employees*. As Judiciary employees, we are expected to avoid impropriety and conduct ourselves in a manner that does not detract from the dignity and independence of the judicial system. As such, Judiciary employees are restricted from engaging in partisan political activity and fundraising activities that could compromise judicial independence. Please keep these policies and procedures in mind as you participate on social media sites.

7. **Observe security protocol.** Court employees must also take care to avoid doing anything that would compromise the security of the courthouse and personnel. To maintain security, do not post pictures of the courthouse (inside or outside), events, or the Court's judicial officers to a social media site in a non- official capacity. Also, be careful when disclosing your place of employment: social media sites are notoriously unsecure environments and knowledge of your place of employment could place employees in situations where pressure could be applied on them to corrupt the integrity of the judicial process.

Approved and adopted by the Ninth Circuit Court of Appeals on June 23, 2010
Approved and adopted by the Ninth Circuit Judicial Council on June 24, 2010

Revised 03-2019

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
SOCIAL MEDIA POLICY AND ACKNOWLEDGMENT OF RECEIPT
JUDICIAL STAFF

1. I acknowledge that I have received and read the Memorandum of the Chief Judge regarding the Court Policy on the Use of Social Media.

2. I acknowledge that it is my responsibility to conform to the standards and procedures outlined in this document.

3. I certify that I will abide by the policies outlined in this document.

4. I understand that non-compliance with the policies outlined in this document may result in disciplinary action which may include suspension or termination.

5. I understand that the judge to whom I report may choose to impose additional policies regarding the use of social media by his or her own chambers staff.

_____ _____
Printed Name Signature

_____ _____
Title Date

_____
Supervising Judge