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Candidates 'like' Facebook

Many lawyers running for judicial spots use social media platforms to campaign

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Dozens of judicial candidates hopped on the social media train this year to campaign for the upcoming election.

Candidates running for Cook County subcircuit judgeships all the way up to the state high court show up on Facebook.



Some direct their "friends" or "fans" to campaign websites while others regularly post status updates that boast of their latest endorsement or announce details of an upcoming fundraiser.

While they may approach their Facebook pages differently, several judicial candidates running in the March primary election agree that the popular social media site serves as a cheap and trendy alternative to yard signs and campaign brochures.

"It's a great way to get a message out, which is really the hard part in these judicial races," said Kevin P. Cunningham, an Oak Lawn attorney running for a circuitwide vacancy on the Cook County bench.

Cunningham's opponent, Cook County Circuit Judge Erica L. Reddick, who sits on the bench by appointment, also runs a campaign Facebook page.

"It really is just another medium that allows you to reach out to people," Reddick said.

Both Cunningham and Reddick, however, said candidates need to balance their use of Facebook as a campaign tool with their responsibilities under the Illinois Code of Judicial Conduct.

That's why both of them said their campaigns created "fan" pages. A "fan" page allows Facebook users to "like" the page instead of sending a "friend request" and getting dubbed a "friend."

Samuel V. Jones, an associate professor at The John Marshall Law School, said "the friend versus fan issue" tops the list of ethical concerns stemming from judges' use of Facebook.

He wrote "Judges, Friends and Facebook: The Ethics of Prohibition," an article published last year in the Georgetown Journal of Legal Ethics.

"Whenever judges get on Facebook and they have 'friends,' there is always that potential for a conflict of interest or appearance," Jones said. "They have to keep in mind that the concern is not whether someone on Facebook is actually their friend. The real concern is the public's perception."

“If you have to ask whether it's ethical or not, don't do it. Any rules that apply to campaigns and ethics don't go away because you're on Facebook.”



Samuel V. Jones

Jones said to avoid the "fan versus friend issue" altogether, judicial candidates should create campaign "fan" pages and not use personal Facebook accounts. He also suggested deleting the campaign page as soon as the election ends.

Cunningham and Reddick both said they plan to delete their campaign Facebook pages after the election.

Fourth District Appellate Justice M. Carol Pope, who is running unopposed for her seat in the upcoming election, said her son runs her campaign Facebook page.

As president of the Illinois Judges Association, Pope said "judges need to proceed with caution" because the relationship between judges and social media remains new. She said the issue continues to be discussed at various judicial conferences.

Jones and retired Lake County Judge Raymond J. McKoski, an adjunct professor at John Marshall, each gave presentations on judges' use of social media at the last Illinois Judicial Education Conference.

Both said Illinois judges and judicial candidates do not receive as much guidance on the issue as their counterparts in other states.

Jones said judicial ethics committees and commissions in several states, including Florida, New York and South Carolina, addressed the topic through advisory opinions.

Most of these opinions, Jones said, urge judges to be cautious in their use of social media tools without suggesting an outright ban.

McKoski said the Florida Judicial Ethics Advisory Committee, however, gave its judges a little more guidance. It said that judges should be disqualified from presiding over cases involving their "Internet friends" because it conveys an appearance of partiality.

McKoski said no one asked the Illinois Judicial Ethics Committee, which he serves on as vice chairman, to issue an opinion on the matter.

Fellow committee member Dennis A. Rendleman said while no specific state or national guidelines on the issue exist, judges and judicial candidates should apply existing Code of Conduct rules to questions over social media usage.

Rendleman, who works as ethics counsel for the American Bar Association's Standing Committee on Ethics and Professional Responsibility, said the committee "is considering whether to issue an opinion on judicial participation in social media."

He said the committee does not know when it will do so.

In the meantime, John G. Locallo, president of the Illinois State Bar Association, said judges and judicial candidates should follow "common sense rules."

"If you have to ask whether it's ethical or not, don't do it," he said. "Any rules that apply to campaigns and ethics don't go away because you're on Facebook."

Locallo said common sense told him to create two separate Facebook pages. He uses one as a personal account and the other for professional purposes.

He said he doesn't consider photos of his friends drinking beer at a barbecue appropriate to run alongside photos of him with judges in his capacity as ISBA president.

"It just made sense," he said, quickly adding that it also makes sense for candidates to utilize Facebook as a campaign tool given its free and reaches a large audience.

Locallo said judicial candidates should check their campaign page once a day to make sure their "friends" or "fans" didn't post anything inappropriate to their page.

"Maybe even twice a day," he said. "You never can be too careful."

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