

Technology, social Web sites tempt jurors to disobey

BY KATHLEEN KERR |
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Across the country, Twitter, Facebook and a touch of BlackBerry fever have all tempted jurors to ignore judges' warnings about contacting witnesses and accessing news about trials.

Just recently, a Bronx juror tried to make contact online with a trial witness, but it was hardly the only instance of a judge's warnings gone unheeded in the Internet age.

"This is more of an education process than [a need for] a rules change," said Jonathan Ezor, director of the Institute for Business, Law and Technology at the Touro Law School in Central Islip. "Jurors need to understand just because it's online doesn't mean the rules don't apply."

Just last week, an Arkansas judge decided Twitter postings via cell phone by a juror wouldn't affect a \$12.6-million judgment in a civil case against a building materials company.

But in Florida last month, a judge declared a mistrial after nine jurors who heard testimony in a federal drug trial admitted accessing the Internet for information about it, violating instructions they received.

Anthony Barkow, executive director of New York University's Center on the Administration of Criminal Law, said juror snooping and outreach to witnesses is really just "an age-old problem that's easier because of the Internet. With search engines you can find people more easily. It's clearly inappropriate and could possibly be grounds for dismissal."

John Q. Barrett, a constitutional law professor at **St. John's University**, agreed. "The pre-Facebook version of this would be a juror finding an address and writing a letter to a witness," Barrett said. "The trial system needs to get smart about it."