

Accountability, Communication, and Education: Three ways the Pennsylvania Judiciary Can Use the Internet to Connect and Build Trust

CONSTANCE HOPE LONG¹

“I literally have covid. And because there is absolutely no way to contact anybody about my court date I have to go into the building with covid and speak to somebody. So to make it clear tomorrow, December 22nd of 2021 I will walk into that building knowing I have covid cause there is no clear way to contact anybody to move my date or alert to my situation. You would think with covid spikes it would be a clear link on the web page about alerting a judge or worker. I refuse to get a judgment against me for not showing up. Yes I did email with zero response.”- Mark Jones, *Philadelphia Family Court Google Reviews*²

The above quote is taken from one of over 300 google reviews left for the Philadelphia Family Court alone. Other courts statewide boast similar numbers, a digital archive of the woes, frustrations, and confusion experienced by thousands of Pennsylvania residents trying to navigate complicated and unresponsive state courts. These comments range from confusion over judicial instructions and complaints of courtroom harassment to the nearly unanimous frustration that “NO ONE PICKS UP THE PHONE.”

For anyone looking for insight into how the public sees and experiences the judicial system of Pennsylvania, these reviews are a gold mine for brutally honest performance evaluations. But no one seems to be looking: unlike the typical exchange between business owner and customer sparked by negative reviews, Pennsylvanian courts seem oblivious or apathetic to the opinions and experiences of its clientele. Complaints in reviews from 2016 and 2021 echo the same issues mentioned in reviews from 2009. The court’s distant internet presence and stiff resistance to interacting on social media paints a picture of an institution that is unhearing of the people it serves. This is not a good look for a branch of democratic government, particularly in a state where judges are elected by the people.

This sense of unresponsiveness is a result of how state and local courts in Pennsylvania have locked into using their communication tools as a rigid one-way street. Unfortunately, this is a common phenomenon among most state judiciaries. Courts use their official social media accounts and web pages to disseminate official information from the institution to the public but very rarely allow members of the public to engage equally with the institution. This was a key finding in Mr. Mariano Ure’s 2019 study “Social Media Use in Justice Administration: Disintermediation, Conversation and Collaboration.”³ Mr. Ure’s study classifies the ways that courts use social media into three categories: disintermediated information (one-way informational communication from the institution), conversational interaction (two-way

¹ The author is a third year J.D. Candidate at Rutgers School of Law, Camden Campus and native of Waynesboro, Pennsylvania.

² Mark Jones, *Philadelphia Family Court Google Reviews*, GOOGLE (Dec. 21, 2021).

³ Mariano Ure, *Social Media Use in Justice Administration: Disintermediation, Conversation and Collaboration*, GLOBAL MEDIA JOURNAL, Feb. 25, 2019, at 1. This essay explores practical methods from all three categories that Pennsylvania courts can use to improve the relationship between Pennsylvanians and their judicial system.

communication with the public), and deliberative collaboration (proactive invitation for contributions from the public). His study then determined which category was most commonly used by state courts, with “disintermediated information” coming in first by a landslide. Indeed, the approach of judiciaries nationwide has been to treat internet-based communication and social media with great suspicion and caution. Nearly every jurisdiction has developed stringent regulations and internal policies regarding official publications and its employees’ social media use.⁴ However, very few have developed a similarly coherent policy to capitalize on the opportunities for connection presented by these modern communication tools.⁵

It may be an uncomfortable truth for a governmental branch that prizes impartiality and a certain aloofness from the masses, but maintaining the judiciary’s historical separation from the people is not sustainable. The reality is that state courts are where most citizens see their rights in a democratic society put to the test in the real world. In this way, state courts have transformed from sequestered arbiters into centers of direct government interaction with the public. To keep up with this new reality, the state judiciary needs to take advantage of any tools it has to connect with the local community and move past its ‘traditional’ role, limited to dispute resolution, and fully settle into its more expansive public service role that has developed.

Social media and internet-based communication tools present endless opportunities to improve the sense of open government between Pennsylvania’s residents and its courts. Three specific areas ripe for improvement are addressed in this essay: creating informal forums for public accountability, improving communication to make Pennsylvania courts a user-friendly public service, and increasing trust in the state judicial system by making judges and their rulings accessible and comprehensible to the public.

Accountability

Courts can use properly monitored social media pages as an informal forum for public accountability in a powerful and simple way. There is clear frustration from Pennsylvanians who feel they have been treated unfairly or roughly by the judicial system and have nowhere to have their voice heard. There is also a strong sense of futility and an impression that complaints get bogged down by red tape, don’t go anywhere, and don’t have any real effect. This impression is not unjustified: a Reuters investigation conducted in 2020 found that in the past decade, state and local judges have repeatedly escaped public accountability for misdeeds that have victimized thousands. Nine out of ten judges accused of misconduct kept their jobs.⁶ People simply don’t see judiciaries being responsive to their concerns.

Another issue is that there are few ways for Pennsylvanians to make a complaint without committing to participating in a formal investigation. The current methods for Pennsylvanians to voice a complaint about what happened to them in a courthouse are overly bureaucratic and

⁴ Id., at 3.

⁵ For an example of what this type of comprehensive communication plan might look like, see FLORIDA SUPREME COURT’S JUDICIAL MANAGEMENT COUNCIL, DELIVERING OUR MESSAGE: COURT COMMUNICATION PLAN (2016), <https://www.flcourts.org/content/download/216628/file/2016-Judicial-Branch-Court-Communication-Plan.pdf>

⁶ Michael Berens and John Shiffman, *Objections Overruled*, part 1 of *Reuters Investigates: The Teflon Robe*, REUTERS (June 30, 2020), <https://www.reuters.com/investigates/special-report/usa-judges-misconduct/>

formal. For example, when making a complaint about a judge's conduct, you have to file an official complaint by mail with the Pennsylvania Judicial Conduct board. Your complaint has to allege certain grounds, and there is a threat of criminal charges for frivolous complaints.⁷ To make a complaint about other court personnel, you have to find and download the relevant complaint procedure policy for the court you were in. After reading through that policy, you must then try to find the correct phone number or email for the person the policy has assigned to hear complaints.⁸ The Pennsylvania Unified Judiciary (PUJ) website also has a web form for general comments linked on the bottom of its home page. Notably, both the instructions for making formal complaints and the PUJ website are only available in English. The issue with the first two 'formal' methods of making complaints is that they are hard to use, time-consuming, and can result in legal obligations for the complainant. While the PUJ's general comment form is closer to achieving an informal complaint forum, there is no way for users to see whether their complaint has been read at all, who it went to, or how to follow up on their submission.⁹

When the complaint process is overly bureaucratic or seems ineffective, courts lose out on the best accountability partners at their disposal- the community members that pass in and out of their courtrooms every day. On the other hand, most people know how to leave a comment on google reviews, send a message to a business's Facebook page, or tag a court's username on Twitter. All of these platforms are available in countless languages and residents can leave comments in the language they're most comfortable with. If courts engaged with citizen comments and queries on their social media in the same way a responsive business does, minor issues of misconduct could be addressed more efficiently, and courts can respond to public feedback on their performance that does not arise to the level of official misconduct. Most importantly, every published interaction between a citizen's comment and the court means that Pennsylvania residents can literally see the court actively responding to their concerns. Even courts that are hesitant to fully engage via social media could take an alternative route by including a customer service messaging feature directly onto their official website so that members of the public know that their voice has been heard and not just lost in a bureaucratic abyss. Courts could also use their social media and official websites to invite community members to submit feedback on their experiences and then publicize their efforts to respond to complaints and rectify issues.

Communication

These same tools can be used to increase the accessibility of the courts as a public service. When Pennsylvanians can't meaningfully access the courts, they do not have real access to justice. Pennsylvania courts have not prioritized user-friendliness in their current use of communication tools. Difficulty communicating with the court restricts access to the courts, especially in the case of pro se and low-income litigants. These litigants have the greatest need to

⁷JUDICIAL CONDUCT BOARD OF PENNSYLVANIA, *Filing a Complaint* (last visited Feb. 17, 2022), <http://judicialconductboardofpa.org/filing-a-complaint/>

⁸ THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA, *Complaint Procedures*, (last visited Feb. 17, 2022), <https://www.pacourts.us/judicial-administration/human-resources/complaint-procedures>

⁹ THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA, *Comments and Inquiries*, (last visited Feb. 17, 2022), <https://www.pacourts.us/comments-and-inquiries>

communicate directly with the court for guidance on issues such as scheduling and postponements, health and personal emergencies, or the nitty gritty procedures and court policies that generic forms and self-help links don't provide. A person not represented by legal counsel often depends exclusively on communication with the court to navigate their legal issue and ensure their rights are protected. The high barriers to direct communication with the court thus transform into high barriers to justice. An example of how these barriers affect the outcome of cases can be clearly seen in Pennsylvania municipal courts. Often called "the people's" court and ostensibly created to be a place where litigants don't need attorneys, a recent study showed that in the Municipal Court of Philadelphia, 85% of defendants reported believing that one needs legal representation in order to be successful in court, and 55% said it was not easy to understand what happened in their cases.¹⁰

Pro se litigants often do not have the same access to information or court employees as represented litigants do. For example, in Philadelphia municipal court, for a defendant to get a continuance, they must have been served notice of the suit less than 20 days before the trial date. Additionally, the court must determine that "the interest of justice requires additional time to prepare a defense."¹¹ However, information about whether and how a pro se defendant can request a continuance is generally not included in the instructions that defendants receive when served with the lawsuit.¹² Suppose a pro se defendant fails to follow these mysterious procedural requirements. In that case, they may end up with a default judgment against them simply because they couldn't make it to court and didn't know how to ask for a continuance.

Despite the seriousness of the consequences, defendants don't have access to the information they need and calling the court for help is likely a lost cause. A cursory look at Google and social media reviews for five Pennsylvania courts of common pleas and ten municipal courts revealed that the near impossibility of contacting anyone at the courthouse was the central issue in most 2-star and below reviews.¹³ Residents who want to communicate with Pennsylvania courts must rely almost entirely on telephones answered sporadically by court clerks. Calls have to be made during the court's business hours, Monday through Friday, and there are significant language barriers for non-native English speakers. Courts should make an effort to supplement this insufficient line of communication by implementing a customer-service model of using internet "hotlines" via instant messaging services. An instant-messaging hotline can be used to quickly respond to inquiries and continue to receive and store inquiries made after-hours to be resolved the next day. Finally, an enormous advantage to using this kind of internet-based communication method is that courts can incorporate free language resources such as Google translate to extend the court's public services to non-native English speakers.

¹⁰ Jennifer Clendening and Katie Martina, *How Philadelphia Municipal Court's Civil Division Works*, PEW CHARITABLE TRUSTS, (Feb. 10, 2021), https://www.pewtrusts.org/-/media/assets/2021/02/philadelphia_municipal_courts_civil_division_works.pdf

¹¹ Philadelphia Mun. Ct. Civ. Division Local Rules 116: Notification of Trial and Continuances,.

¹² *How Philadelphia Municipal Court's Civil Division Works*, at 16.

¹³ The author surveyed reviews and social media interactions for court of common pleas and municipal courts located in Philadelphia County, Butler County, Allegheny County, Berks County, and Washington County.

Education

Lastly, internet-based communication tools can be used to educate Pennsylvania residents on their judicial system and empower them to understand its judgments. Judicial education is a powerful tool because many people don't know anything about the courts until they're thrust into them by misfortune or a moral misstep. This is where promoting judicial literacy becomes essential because a lack of understanding creates suspicion and fear around the judicial system. The quality and effectiveness of any judicial institution depends on trust from the population over which it presides, and the way Pennsylvania courts can earn the trust of Pennsylvanians is by establishing itself as an institution that produces just judgments in the best interest of the community. However, the Pennsylvania judiciary is not effectively building this image among the communities it serves. Pennsylvanians are utterly disconnected from the judges that possess incredible power over their lives. Only a small percentage of state residents know who has been elected to sit on the bench and even fewer participate in making that decision.¹⁴ Recognizing this information gap, state courts have been more amenable to utilizing their internet presence for cautious forays into judicial education. Some examples include the recent proliferation of self-help sections on official court websites or courts posting administrative orders and judicial policy documents on their Facebook and Twitter accounts. These efforts are commendable and important, but many opportunities are left to be explored.

State and local courts can address the disconnect with their communities by expanding their official websites to create a central resource for residents to find information about the judges in their jurisdiction. Currently, the Pennsylvania Unified Judiciary website only lists judges' names and the address and telephone number of the court where they sit. Most county and municipal courts surveyed for this essay contained similarly scant information. This barebones directory could be expanded by including a photo, the judge's significant ruling history, and a small biographic regarding their engagement in and connection to the community. Even such a simple connection as knowing what your judge looks like helps to bridge the gap between residents and the judiciary and create a foundation for transparency and trust. Because state judges are elected in Pennsylvania, a judge's ruling history is key information that should be made readily available to Pennsylvania residents so that they can make informed decisions.¹⁵

Pennsylvania courts can also instill public confidence in their judgments by making simple, official summaries and audio transcripts of major decisions available for free online. In the past, official court reporters have acted as the primary method of disseminating judicial decisions to the wider community. However, in the new technological age, official court reporters are becoming obsolete and that information vacuum is being filled by social media and online content. This reality results in the risk of media outlets and commentators spreading mistaken

¹⁴ In the last two Pennsylvania judicial election years that featured partisan contests, turnout hovered in the low 20% range, compared with more than 70% turnout in 2020's record-setting election. Katie Meyer et al., *A voter guide to Pennsylvania's 2021 judicial elections*, WHYY (Apr. 8, 2021), [://whyy.org/articles/a-voter-guide-to-pennsylvanias-2021-judicial-elections/](https://whyy.org/articles/a-voter-guide-to-pennsylvanias-2021-judicial-elections/)

¹⁵ While many non-governmental organizations put together simple voter guides close to judicial elections, the Pennsylvania judiciary does not itself have a method for voters to see which judges were involved in which decisions.

interpretations of judicial decisions. However, it also creates an opportunity for the courts themselves to take the reins and create reliable materials designed to be accessible to anyone anywhere.¹⁶ An example of this kind of judicial literacy resource can be found in Oyez.org, where U.S. Supreme Court decisions are distilled in an easy to comprehend format for the average citizen. The website even includes a virtual tour of the Supreme Court as well as simple biographies about the justices.¹⁷ While state and local courts may not have the manpower to develop a full interactive website to promote judicial literacy, they can use their existing internet presence to connect judges with the communities they serve and demystify significant decisions.

Conclusion

Courts should be looking for ways to move past strictly one-way communication and into more conversational communication that invites collaboration and transforms the court into a responsive public service. The Pennsylvania judiciary can use its existing internet presence to create informal forums for complaints, communicate better with its communities, and continue promoting judicial literacy. Pennsylvania's system of electing judges makes it all the more important that its judiciary be responsive, open, and encourage engagement from the state's citizens. The Pennsylvania judiciary needs to move past its suspicion of new technologies and create a comprehensive plan to take advantage of new communication tools and social media.

¹⁶ See Marilyn Warren, *Open Justice in the Technological Age*, 40 MONASH UNIV. L. REV. 45 (2014).

¹⁷ The Oyez.org organization partners Chicago-Kent College of Law and other free legal resource providers such as Justia.com to form new partnerships with organizations and foundations to help make the judiciary accessible to the public. For more information visit <https://www.oyez.org/>.