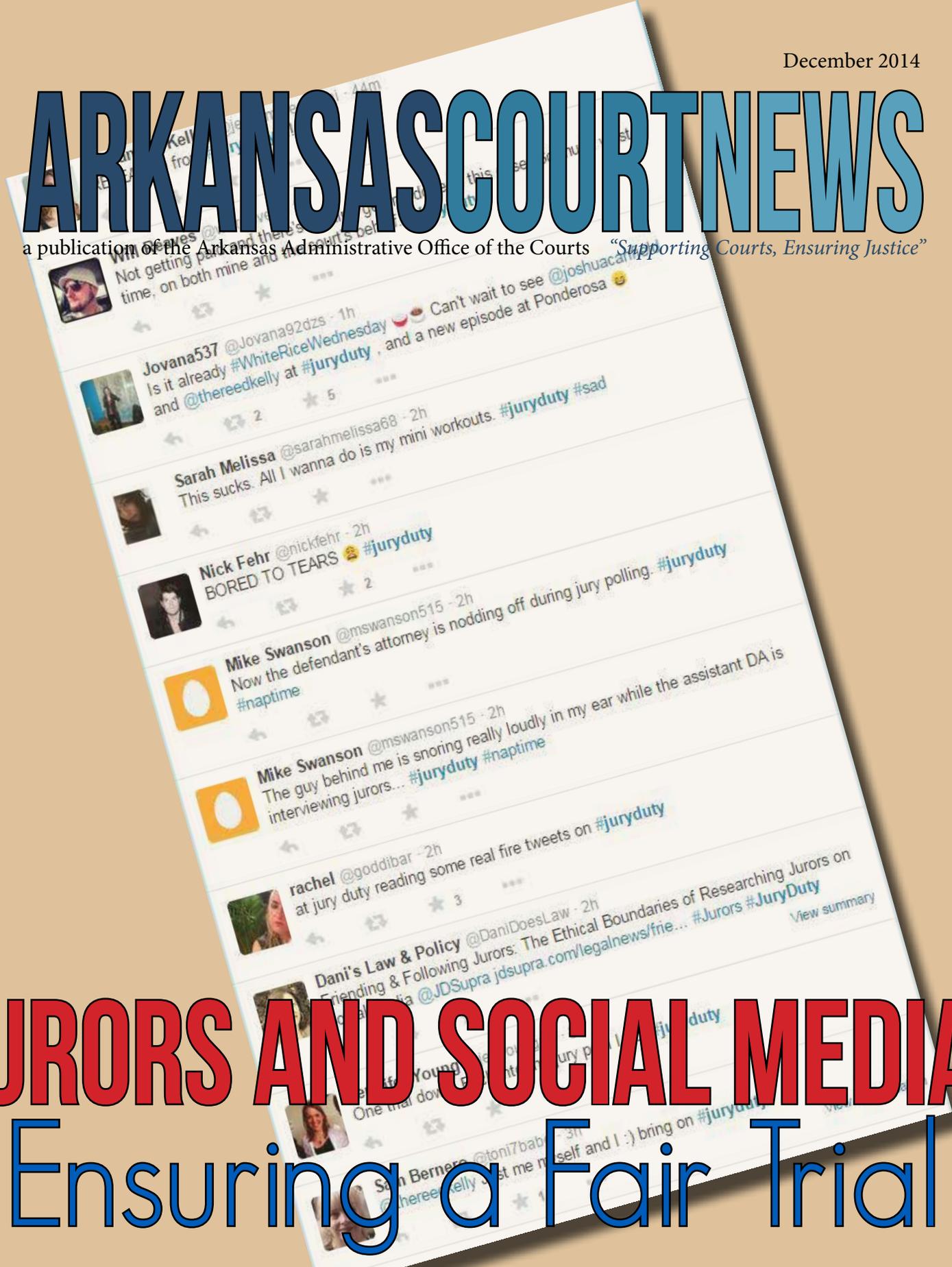


# ARKANSASCOURTNEWS

a publication of the Arkansas Administrative Office of the Courts "Supporting Courts, Ensuring Justice"



## JURORS AND SOCIAL MEDIA: Ensuring a Fair Trial

William H. Bowen dies at 91 • ACAP Update

Justice Holt Exhibit Unveiled • Cyber Security • and more

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Ozark National Forest  
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## Going Digital



The Administrative Office of the Courts has eliminated the paper version of *Friends of the Court* and gone to an online-only format. This allows room for regular content, more diverse court-related news, and more features on *you*, the people who do the work of the Judicial Branch.

The newsletter has been completely reformatted to utilize the new medium. It has undergone a name change as well, and will now be called *Arkansas Court News*, a title more fitting for its content.

The electronic version of the newsletter will be published on the Judiciary website:

[www.courts.arkansas.gov/forms-and-publications/newsletters/friends-court](http://www.courts.arkansas.gov/forms-and-publications/newsletters/friends-court)

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Contributions, comments, and inquiries are always welcome.

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# social media: ensuring a fair trial

Much has been written about how our lives have changed with the advent of the internet. Social media sites like Facebook, Twitter, Instagram, Snapchat, and yes, even Myspace, have changed the way we communicate publicly. It seems that everything we do is posted somewhere online. Photos of us, our kids, our dinner, vacations, political views, favorite inspirational quotes, and cats. Lots of cats.

Young people especially seem to operate as if there is no privacy, or reason to value privacy. They are used to everything being out there. We feel compelled to share everything with anyone willing to listen and look. For better or worse, welcome to the new reality.

The courts are having to adjust to the new normal, too. Facebook posts are being admitted as evidence. People are being charged with crimes for threatening others on social media. People post photos and videos of their crimes, which allows law enforcement to identify them (thanks, dumb criminals!). Jurors are using social media, too, even when they have been told not to.

Go to Twitter and search #JuryDuty to see what people are talking about publicly. Here are just a few, exactly as written.

- “I don’t think I am aloud [sic] to use my phone/ take pictures. Please kick me out #juryduty”
- “I’m just going to vote for whatever lawyer is the hottest, like American Idol. #juryduty”
- “Still waiting on the judge. Who do you have to kill to get a verdict around here? #juryduty”
- “They said I shouldn’t speak about anything that happened today...thank god none of these people own a computer...#JuryDuty”

Another fun search is #JuryDutyChronicles.

During deliberations in an Arkansas trial, a juror made the following post on her page: “DROOOOWEE. WE CANT COME TO A DECISION. UGH FML[.]” Then later, “Got home at 9:30 after leaving jury duty at 8:40. I’m just now eating my dinner while I’m irritated as hell. I probably wont sleep tonight after hearing testimonies and seeing horrible pictures and I gotta do it all over again tomorrow. Nite nite. ‘grabs wine while wishing I had vodka[.]”

Pulaski County Circuit Judge Herb Wright held this juror in contempt for discussing a case on Facebook. He also granted the defendant a new trial.

“I had given specific instructions not to use Facebook or Twitter,” Wright said. “She went into the jurors’ bathroom and” posted about deliberations on her Facebook page. When she came to court on the contempt charge, Wright said he would have given her jail time and a fine, but it’s only a class C misdemeanor, so he fined her \$500.00 instead.

Bobby Digby of Little Rock was the defense attorney. He said the defendant’s mother heard from a friend of the

juror's what she had been posting and called him the day after the trial ended. Her son had been convicted and sentenced to life without parole. Digby asked the court for a new trial, based on the juror's behavior.

In his order granting a new trial, Wright stated that he had repeatedly admonished the jury about not communicating about the case in any way, but specifically on social media; and they had also been told they could not use their phones at all in the jury room during deliberations.

“[The juror's] conduct is even more egregious [than Dimas-Martinez, discussed below] considering the fact that she made one of her posts to Facebook during the time she was supposed to be deliberating. The law presumes that all jurors are unbiased in following the court's instructions. In this case, Lewis' conduct has overcome that presumption. While the Court acknowledges that a defendant is entitled to a fair trial and not a perfect trial, in this case the Defendant received neither.”

In 2010, Erickson Dimas-Martinez was sentenced to die after a jury convicted him of capital murder. That sentence, which included a concurrent life sentence for aggravated robbery, was overturned by the Arkansas Supreme Court. The court overturned the conviction, in part, because a juror violated the court's orders multiple times by posting about the trial on Twitter.

During sentencing, the juror tweeted, “Choices to be made. Hearts to be broken. We each define the great line.” The judge questioned him about his tweets, but held it was not a material breach of the instructions or his oath. However, the juror continued to tweet during the trial.

During deliberations, he wrote, “If its [sic] wisdom we seek... We should run to the strong tower.” A couple of hours later, “Its [sic] over.” The jury hadn't announced that it had reached a decision when he wrote the latter.

The Supreme Court wrote, “[T]his court has recognized the importance that jurors not be allowed to post musings, thoughts, or any other information about trials on any online forums. The possibility for prejudice is simply too high. Such a fact is underscored in this case, as Appellant points out, because one of the juror's Twitter followers was a reporter. Thus, the media had advance notice that the jury had completed its sentencing deliberations before an official announcement was made to the court. This is simply unacceptable, and the circuit court's failure to acknowledge this juror's inability to follow the court's directions was an abuse of discretion.”

From the opinion (2011 Ark. 515):

THE COURT: Now, it has been brought to my attention that during—during the course of the trial that you have from time to time, uh, twittered, whatever that is. Have you?

JUROR: Um, I twittered like day three in court or, you know, something about—not necessarily the case but just the time line about the court.

THE COURT: All right. But you haven't—

JUROR: Not discussed...any of the case.

THE COURT: Well, I want to ask you about a specific twitter and, uh, I want you to think about it and then tell me what it means.

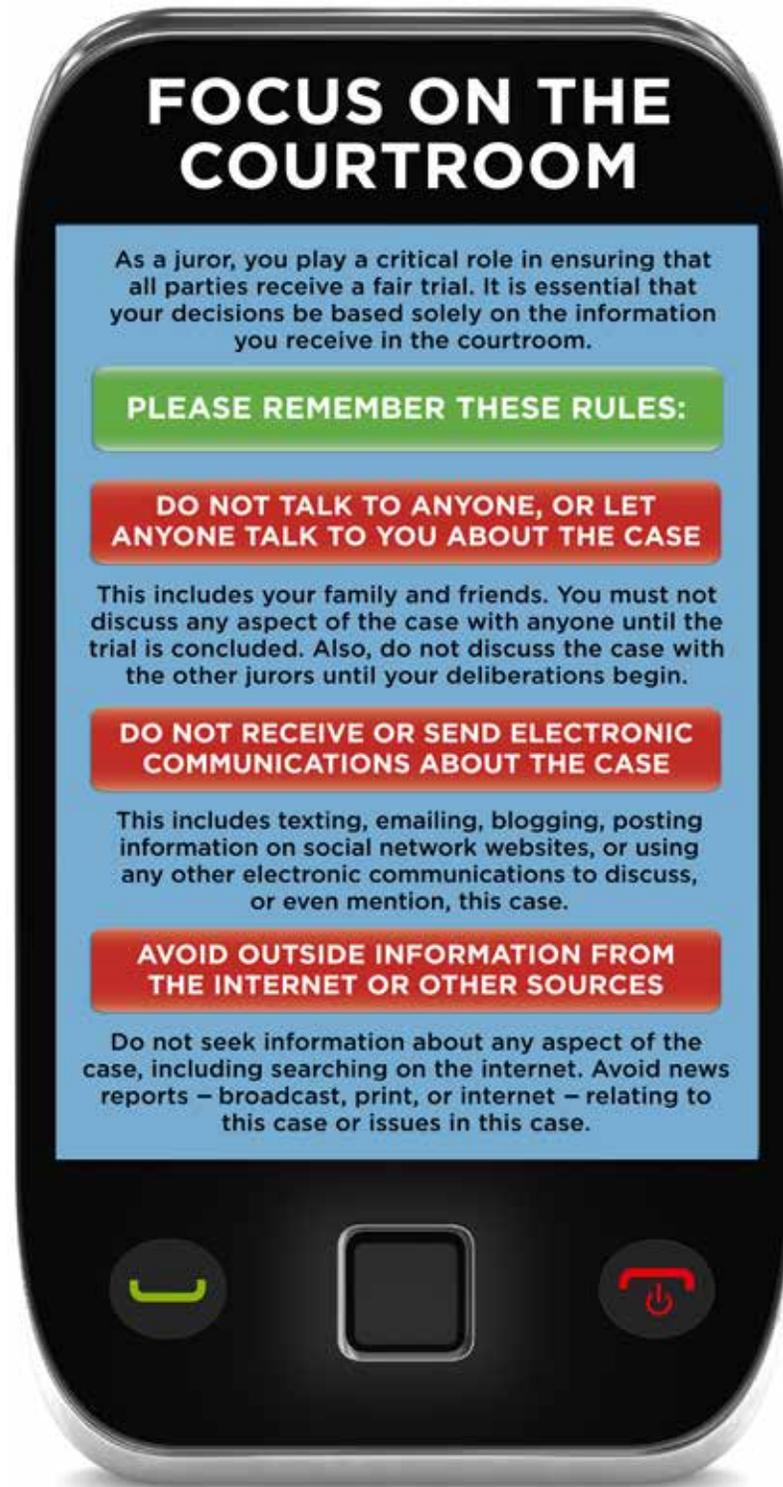
JUROR: Okay.

THE COURT: Okay. It says: Choices to be made. Hearts to be broken. We each define the great line. About 20 hours ago via text. Now what does that mean?

JUROR: Well, I'm a little shocked. That's a little creepy....

Did he think no one could see what he wrote in a public forum? And presumably, the judge now knows what “twittering” is.

As a proportion of the population, there are likely many fewer judges who use social media than the general public. In some states, judges are not allowed to use Facebook, as it could create the appearance of impropriety if they are “friends” with lawyers or others who work in the legal field. If judges aren’t using social media, or understand what it is or its impact and breadth of use, it is unlikely they do not monitor their jurors’ use of social media during trials.



Even if they wanted to, Judge Wright in Pulaski County said he doesn’t have time to monitor social media. The defense attorney Digby agreed, saying he does not usually try to find out if potential jurors have social media accounts, and there is no time to do so once a jury has been empaneled.

“Most criminal defense attorneys are solo practitioners,” Digby said. “We don’t have staff or time to try to find out if jurors are violating the courts’ orders.”

A theme that emerges on Twitter when people post about jury duty is the boredom. There is not much we as court staff can do to alleviate the waiting during selection, the recesses during trials, the bench conferences, or boring testimony. We can do a better job of explaining the rules jurors have to follow.

Judges in Arkansas conduct juror orientations in a variety of ways, with different levels of detail. Generally, when people do not understand why rules exist, they are less willing to follow them.

Conducting more thorough orientations and allowing jurors to ask questions about the process would also go a long way toward helping them take their oaths and court orders more seriously. Judges should also consider using posters in their jury rooms such as the one at left, which was created by the Washington state judiciary. Perhaps if jurors understood better why discussing a case or doing research can create prejudice in a trial, they might reach more slowly for their phones.

# William Bowen dies at 91

LITTLE ROCK — Former lawyer, banker and political aide William H. Bowen died [November 12] at age 91.

A native of Altheimer, Bowen entered the Navy in December 1942, the year after he graduated from high school. After the war he attended the University of Arkansas, where he obtained a law degree in 1949.

Bowen became a law clerk to Judge Bolon B. Turner of the U.S. Tax Court in Washington, D.C., in 1950, and two years later he joined the U.S. Department of Justice's Tax Division as a special assistant to the attorney general.

In 1954, he joined the Mehaffy, Smith and Williams law firm in Little Rock, which later became Mehaffy, Smith, Williams, Friday and Bowen. The firm is now known as Friday, Eldredge and Clark.

In 1971, Bowen became president of Commercial National Bank. In 1983, the bank merged with First National Bank to become First Commercial National Bank, and Bowen became president and board chairman.

Then-Gov. Bill Clinton named Bowen his chief of staff in 1991 so he could manage the governor's office while Clinton ran for president.

Also in the 1990s, Bowen became president of Healthsource Arkansas, a partnership between Healthsource of New Hampshire and the St. Vincent Infirmiry medical system, but after two years he returned to

practicing law.

In 1995, he became the dean of the University of Arkansas at Little Rock's law school, a position he held for two years. In 2000, the school, was renamed the William H. Bowen School of Law in his honor.

Bowen became a member of the Arkansas Supreme Court on Jan. 1, 2010, after Gov. Mike Beebe chosen him to complete the unexpired term of Annabelle Clinton Imber, who had retired. Bowen stepped down the following week, however, citing poor health.

Attorney General Dustin McDaniel said in a statement Thursday that he had known Bowen since he was a first-year law students at UALR while Bowen was the law school dean.

"With the death of William H. Bowen, Arkansas has lost a man who was without equal in Arkansas in terms of his success, kindness and commitment to public service. Bill will be missed, but his legacy will live on forever, and through that legacy, Arkansas will be a better place," McDaniel said.



**William H. Bowen**

*Credit: www.arkansasmatters.com*

Chuck Goldner, dean emeritus of UALR's law school, said Thursday, "All of us here at the Bowen School of Law have lost a dear colleague and a very good friend. He was a model for both the faculty and the students in how to act professionally and how to be a public servant."

Skip Rutherford, dean of the University of Arkansas Clinton School of Public Service, tweeted that Bowen had a "major & positive impact on Arkansas."

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by John Lyon  
Published on November 13, 2014

# the administrative office of the courts'

# COURT MANAGEMENT PROGRAM

## holds graduation for new class

The Administrative Office of the Courts held its fourth Court Management Program (CMP) graduation on August 20, 2014. The class, originally consisting of twelve trial court assistants, six district court clerks, two circuit clerks, and four AOC employees, received their certification during a ceremony held in the Supreme Court courtroom.

The Court Management Program was established in 2009 and is the first tier of a three-tiered system of certification by the National Center for State Courts' Institute for Court Management. It consists of six courses and when concluded, participants earn their Certified Court Manager (CCM) certification. The courses, spanning a three-year period, are taught by faculty from Arkansas as well as other certified faculty from across the nation. Currently, Arkansas is one of only seven states offering the Court Management program.

The class of 2014's class-elected speaker, Jennifer Lopez-Jones, spoke about her experience in the program during the graduation ceremony, "This program has more than met my expectations, however, what I did not anticipate is the bond that we would make with each other and the way in which this impacted the learning process. This class was the first mixed marriage of its sorts, initially involving 12 TCAs, 6 district court clerks, 2 circuit clerks, and 4 AOC



**The class of 2014 graduates pose together with Judicial Education Director, Marty Sullivan.**

*employees. The court community at the time our class began was full of discussions of TCAs in peril of not receiving paychecks and scrutiny of the district courts to ensure that district court was doing their best efforts to help collect funds that benefitted the account used to fund TCAs. I can remember entering my first three-day class trying to remind myself to focus on the class topic and not be distracted by discussions of blame or money. Well, that was not a worry because our first instructors, Nadine and Polly, got the class involved in introductions, discussions, and role plays, such that if you ask my fellow classmates today, many of them remember the actors and actresses of our group who have missed their calling. By the way, you know who you are and you really should check out*

*your local theater groups. During the course of three summers and six classes together, we have shared some major milestones: from new relationships, marriage, divorce, the loss of beloved pets, children in their sports, children leaving the nest, children returning to the nest, a venomous snake bite, and other health and life-changing challenges.*

*Milestones, laughter, and shared experiences aside, there was also a lot of learning going on. From the beginning, posing the question of why even measure your court's performance and then going through the court tools that will enable that effort, already you could see the wheels in motion. Asking the public what they think of your court or your customer service, who does that? Well, the answer to that*

is someone who cares about being a high-performing court. Moving on to discussing caseload management, for those of us at the district court level, sometimes it feels as if our caseload is determined by how many tickets our law enforcement agencies choose to write in a given period. However, we learn that doesn't have to be the situation. My personal favorite was Purposes and Responsibilities of Courts and I guess it goes hand in hand with my prior confession: love the law, learning about how it came to be and the history behind it. Reading "The Causes of Popular Dissatisfaction with the Administration of Justice" by Roscoe Pound, which was composed in 1906 and realizing its relevance in 2013, was a tangible demonstration of why what we do is so important. As Chief Justice Hannah stated in June in his state of the judiciary address and as he reiterated today, "we know that when citizens understand the roles courts perform, the trust and confidence in courts is high and citizens value a fair and impartial court. We also know that when citizens lack basic civic knowledge, they tend to support measures that make our courts more political and accountable to special interests instead of to the Constitution and the rule of law." We as a group need to go out and share our knowledge of the court system with the people who enter our courts to help raise that level of understanding and build trust and confidence.

Managing Technology Projects, Managing Human Resources, and our final class, Managing Court Financial Resources, have all been equally as relevant. As a recent survivor of software implementation, discussing technology is an almost constant conversation in my office. Ways to use technology to make your job easier and facilitate interaction with our clientele, the future possibility of a paperless

court, apps – all these discussions open the door for seeing a potential that might not have previously been considered. Some very lively discussion was had during the managing human resources class, and once again the acting skills came into play. After a very entertaining role play session, we all left better equipped to have necessary, if difficult, conversations and certainly more informed as to the pitfalls to avoid in the workplace. Our final class, Managing Court Financial Resources, could not have been timelier as most of us are in the middle of budgeting season. While our funding sources most certainly vary, we have all learned how strategic planning can be used to benefit and support our budget requests. We all discussed some creative ways to look for and obtain alternative funding options, and included in all this discussion of funding is the importance of being good stewards of our resources.

... Though we may fulfill different roles within the court system, our goals for high-performing courts and excellence are our common ground, as is the knowledge gained through the completion of this program. Working within the court system is an honor and a position of trust. We are truly public servants. It seems too often we hear stories in the news of court employees who have violated that trust but not often enough, or hardly ever, does the news report the stories that each and every one of you can probably tell. Stories of staying late until the last case was heard, working extra hours and often Saturdays, to make sure that court was ready for the next day or week, or any number of examples where we as court employees went the extra mile to fulfill the mission of the court, please our judges, and serve our public.

And so in closing, I want to leave you with two final thoughts. As Justice

Hannah so aptly said in his state of the judiciary, every single day we have an opportunity to get it right. Let us choose to make our courts serve Arkansas the way our founders intended – with transparency, with integrity, and with impartiality. Finally, in the words of Atticus Finch in To Kill a Mockingbird, "There's one way in this country in which all men are created equal, there's one human institution that makes the pauper the equal of a Rockefeller, the stupid man the equal of an Einstein, and an ignorant man the equal of any college president. That institution, gentlemen (and gentlewomen), is the court. It can be the Supreme Court of the United States or the humblest JP court in the land or this honorable court which you serve. Our courts have their faults, as does any human institution, but in this country, our courts are the great levelers and in our courts, all men are created equal." Thank you."

The Court Management Program is currently accepting applications for the Class of 2017. Trial Court Assistants, Circuit Clerks, District Court Clerks, and AOC employees are encouraged to apply. Applicants must be able to attend the first two sessions during the summer of 2015. The deadline for submission is January 2, 2015.

Information about the NCSC/ICM certification is available at [www.ncsc.org](http://www.ncsc.org). Information about the Arkansas program is available on our website, [www.courts.arkansas.gov](http://www.courts.arkansas.gov). Applications for the CMP program can be obtained by contacting Marty Sullivan, Judicial Education Division Director at (501) 682-9400 or [marty.sullivan@arkansas.gov](mailto:marty.sullivan@arkansas.gov).



# SECURE your COMPUTER ACCOUNTS

with a password manager

by Dain Couch  
IT Security Officer

In February 2012, the “hactivist” group Anonymous hacked Syrian President Bashar al-Assad’s email account. Incredibly, his password was 12345. Unfortunately, al-Assad is far from unique in using such a password. Splashdata releases a list of the 25 worst passwords each year. This list is compiled from actual password data that becomes available from security breaches. For 2013, 12345 ranked #20. The top three worst passwords (most common) were 123456, password, and 12345678. The complete list can be found at <http://splashdata.com/press/worstpasswords2013.htm>. If you use any of the passwords on this list, you should change them immediately!

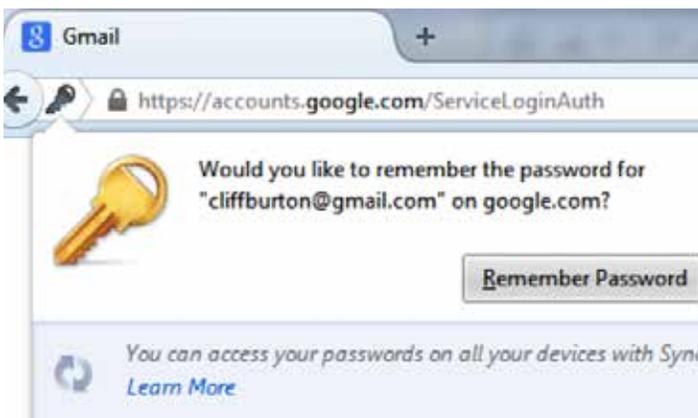
Password guidelines become gradually more complicated, but some current ones include:

- Passwords should contain numbers, uppercase letters, lowercase letters, and special characters.
- Passwords should be as long as possible, but at least 8 characters.
- Do not write your passwords down.
- Use a unique password for each login.

Following these guidelines quickly becomes burdensome, if not impossible. However, using password management web browser features or a password management program can help you whittle your password memorization to a few passwords or even just a single, strong master password.

## Web Browsers

Internet Explorer, Google Chrome, and Firefox all have password manager features. These browsers will kindly offer to save your passwords as shown in the Firefox screenshot to the left.



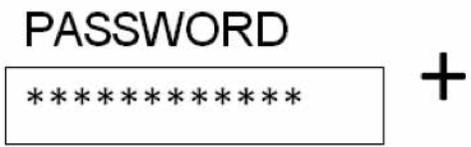
Passwords are stored in an encrypted format. This option is a step above posting your passwords on your computer, but anyone who accesses your computer can access your passwords, and computer malware can also access your passwords. For these reasons I recommend using a password manager program.

## Password Managers

Using a password manager program is a more secure option than using your web browser features. These programs can be either local managers or web-based managers. Local managers store your passwords in an encrypted format on your computer. These programs are inherently more secure because you control the security and access, but using the same password database on multiple devices is more difficult. Web-based password managers store your passwords in an encrypted format on the internet. You have to trust that the company is taking the proper security measures to store them, but you

can synchronize your passwords across multiple devices using the program itself. For the best security, two-factor authentication should be used. An example of two factor authentication is using a master password in conjunction with a key file, which contains the encryption information that protects your passwords. The key file can be stored on a memory stick. With this option, you would need to remember your master password and have your memory stick with you, but a hacker would be unable to access your passwords by just guessing your master password.

Two password managers that consistently top online reviews are LastPass and KeePass. LastPass is more user-friendly, while KeePass is more appealing for tech-savvy users who want to control program details, such as storage location of the password file. Major aspects of each are outlined in the chart below.



Program	Cost	Password Storage	Master Password required	Two-factor authentication available?	Multiple Devices
<a href="#">LastPass</a> (desktops only)	FREE	Web-based	Yes	Yes	Yes
<a href="#">LastPass Premium</a> (desktops and mobile devices)	\$12/year	Web-based	Yes	Yes	Yes
<a href="#">KeePass</a>	FREE	Local	Yes	Yes	Yes, but you have to transfer the password file

There are many other password manager programs available. If you are assessing different programs, keep in mind that if a software company can change your master password, then the program is not secure.

Appeals on Wheels took place November 6, at Russellville High School's Center for the Arts in Russellville, Arkansas. More than 150 middle and high school students from Russellville, Atkins, Hector, Pottsville, and St. John's Catholic School filled the auditorium to listen to oral arguments. The justices followed oral arguments with visits to various classrooms.

The Appeals on Wheels program, now in its twelfth year, has reached more than 4,000 students statewide.

See more photos from Appeals on Wheels on page 11.

## APPEALS on WHEELS



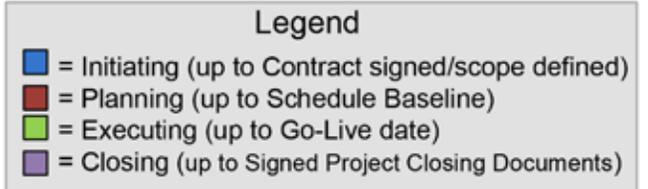
**Justice Corbin visits with students following oral arguments.**



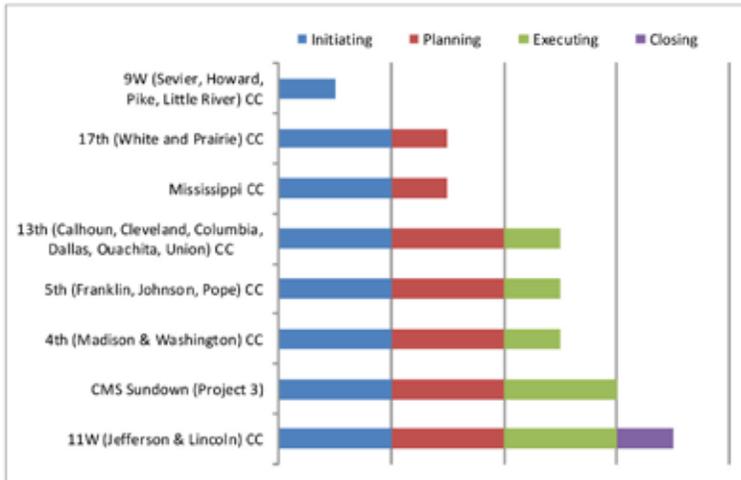
# ACAP project update

(arkansas court automation projects)

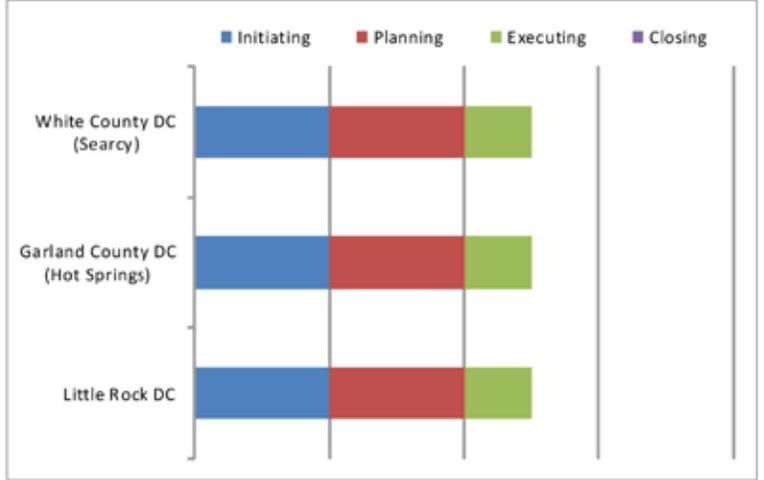
## CIS Division Projects Progress at a Glance Week of December 16, 2014



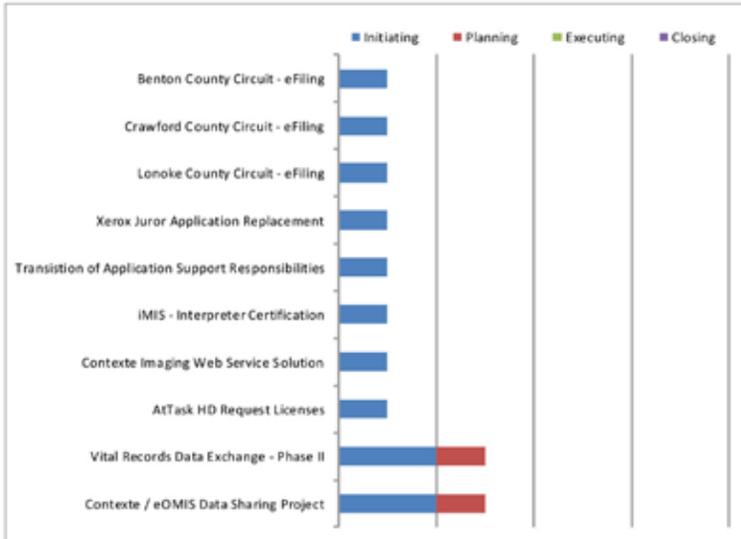
### Contexxe Implementation - Circuit Courts



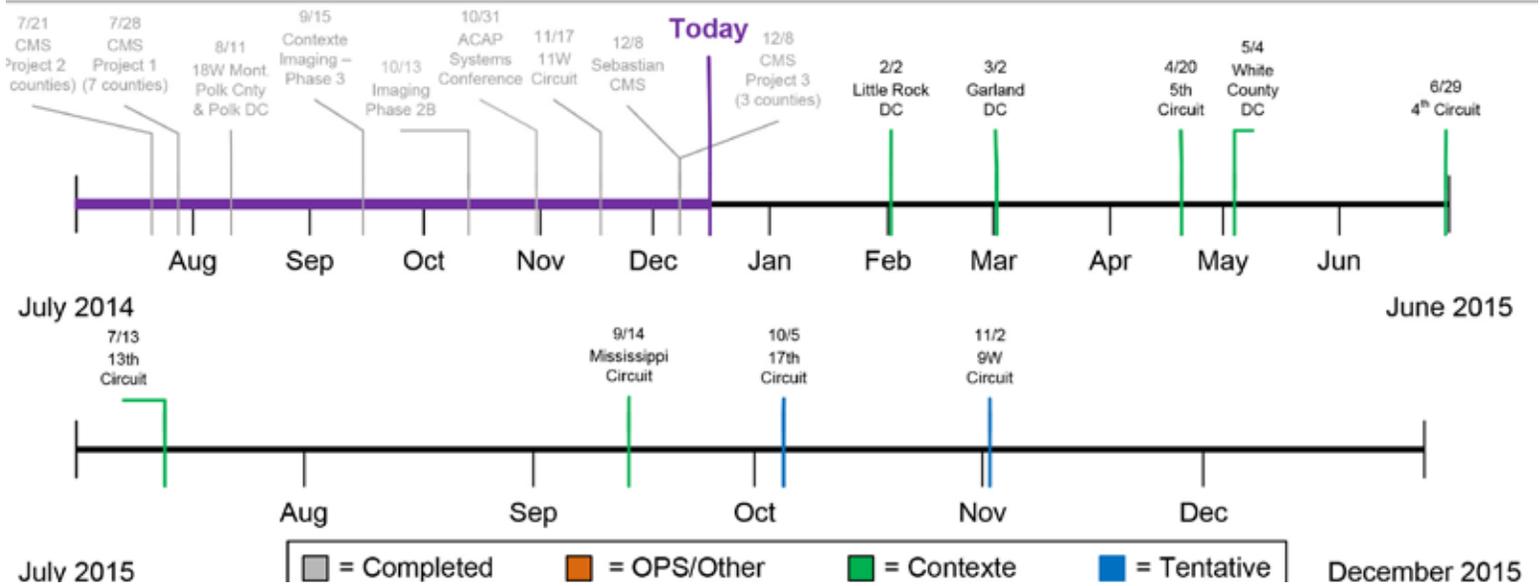
### Contexxe Implementation - District Courts



### Other ACAP Projects



## Go Live Dates 2014 - 2015



For more information regarding the Arkansas Court Automation Programs, please visit [www.courts.arkansas.gov/administration/acap](http://www.courts.arkansas.gov/administration/acap) or contact Tim Holthoff, Court Information Systems Director, at [tim.holthoff@arkansas.gov](mailto:tim.holthoff@arkansas.gov).

# APPEALS on WHEELS

(continued from page 9)



The Court poses with prominent members of the Russellville community during Appeals on Wheels.



Justice Hoofman meets with children after oral arguments.

# JUSTICE HOLT EXHIBIT UNVEILED



A new exhibit was unveiled recently at the Justice Building spotlighting the life and works of retired Supreme Court Chief Justice Jack Holt.

The exhibit, which opened on September 24th, features court documents, photos, and personal artifacts of Justice Holt.

The unveiling ceremony included a reception, hosted by the Administrative Office of the Courts, where many of Justice Holt's former colleagues and friends, including current Chief Justice Jim Hannah and AOC Director J.D. Gingerich, spoke about the impact of Justice Holt's life on the history of the court system in Arkansas. Justice Holt also took time to reflect on his experience during his tenure as Chief Justice with family, friends, former staff and colleagues, and current court staff members.

Justice Holt speaks during the reception at his exhibit unveiling.

Corey Gilmore, AOC Public Education Coordinator, worked with Justice Holt to put the exhibit together. On what it was like to work with Justice Holt, Gilmore remarked, "Of the projects I've worked on as the Public Education Coordinator at the AOC, Justice Holt's exhibit is my favorite. After a few hours of research, it was obvious how significant his contributions to the Arkansas judiciary were and remain so today. But, getting to know the person behind all these accomplishments was an absolute honor. Justice Holt is the rare mix of wit, tenacity, and humility. He has a heart of gold and is an all-around exceptional human. Arkansas is a better place because of him."

Justice Holt's exhibit is now on display at the Justice Building in Little Rock. The Justice Building is open to the public weekdays from 8 AM - 4:30 PM. To schedule a tour of the exhibit and building, please contact Corey Gilmore, Public Education Coordinator, at [corey.gilmore@arkansas.gov](mailto:corey.gilmore@arkansas.gov).



Justice Holt's exhibit is on display now at the Justice Building in Little Rock.

# *New Faces*

## AOC

**Kendrick Collins** - Project Analyst

**Rebekah Tucci** - Domestic Violence Program Director

## in the Judiciary



Are you a new court employee or know someone who should be featured in this section? We want to know!

Contact Meghan Sever at [meghan.sever@gmail.com](mailto:meghan.sever@gmail.com).

