

LAW, ADVOCACY AND THE BRAVE NEW WORLD

It's a little late to observe that communication has really changed from 'the good old days'. When the Prime Minister critiques the 'new media' cycle (and some of the old media powers) we all know she is somewhat disingenuously complaining that the communication cycle is spinning too fast, and the politicians are struggling to keep up. Cue teeny tiny violins!

In our field, matters progress more slowly; laws generally do not get rushed through parliament, cases percolate through the justice system in agonising increments, and judges take their time writing considered decisions on complex issues. So what then is the role of new media, and the Brave New World of Facebook, Twitter, YouTube, blogs and other forms of 'social' networking for lawyers, law students, and those who work within the legal system?

Clearly, new technologies have made an enormous amount of information (and many more independent sources of information) available to us. One potential downside is information overload, surely leading to shorter attention spans, and less tolerance for the nuances and counterpoints of any difficult issue. Do we still have the same capacity to spend a deliberate amount of time reading long, sophisticated, well-reasoned articles (as you will find in this journal)? Or have we accepted the minimalist approach to information, absorbing headlines, tweets and posts, but not much more. It would be a shame if that is the case.

Before we look at what we can do with new media, let's start with what you cannot do. First, consider the issue of your practical privacy — do any of us still have the privacy we had even five years ago? We generally have accepted that almost all information we have uploaded ourselves is susceptible to being hacked, spammed, phished and more. So don't overshare personal information and photos, or leave yourself open to identity theft.

It goes without saying that if you behave on the net in a manner your mum would be embarrassed by, she is likely to find out, and be very embarrassed by that behaviour. Your unprofessional actions, photos, posts and updates will come back to haunt you, especially if you are a high profile person or one day become one. Stephanie Rice, Joel Monaghan and Catherine Deveny have learnt this lesson of unintended consequences.

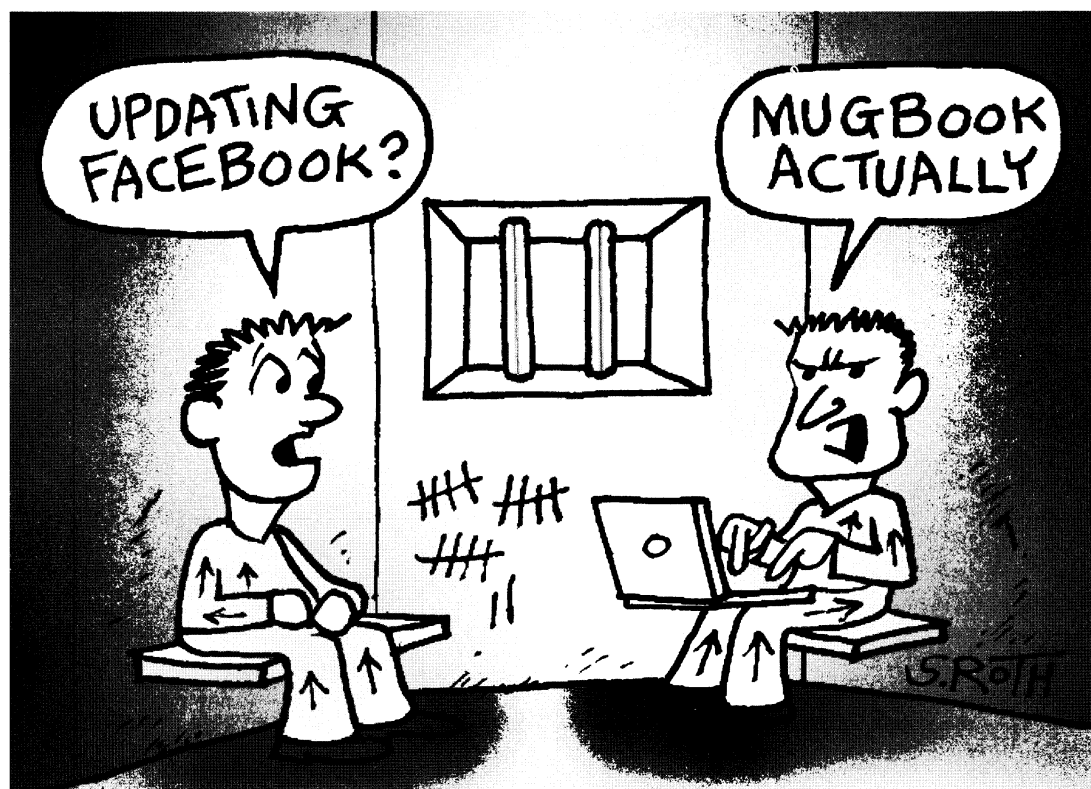
And readers of this journal hardly need to be reminded that the relevant rules of professional conduct (in all professions, but particularly the law) apply equally to activities on social media. The Victorian Bar Ethics

Committee recently reminded their barristers that it would be a breach of the rules 'to post a flippant or sarcastic comment on Facebook or Twitter about a fellow member of the Bar, the judiciary, one's client or a matter in which counsel is briefed.' Mind you, flippant or sarcastic comment about politicians and politics is constitutionally protected, as are insults, irony, humour and acerbic criticism (thank you Justice McHugh).

One other legal problem is that you can be liable for defamatory statements made on social network sites. Such statements can be read all over the world, so it can be hard to know where an act of defamation took place. The defamation rules of any other jurisdiction could be brought to bear regarding your cute 'off the cuff' statement made in St Kilda or North Adelaide.

While new technologies open up new opportunities to be sued, they also offer new opportunities to hide. Wikileaks has made the issue of jurisdiction a 'cat and mouse' game. Where is it located? And what jurisdiction is it actually subject to? It has no offices, and is said to be set up in a way that cannot be shut down (and one can assume that the US and others have tried!), reliant upon a series of fail-safe servers. Where would a legal notice be served, and who would accept service? Is it plausible that a notice of suit could be served on them via Twitter? The Facebook precedent could apply. In 2008 the ACT Supreme Court allowed service of foreclosure documents on some homeowners via the 'inbox' of their Facebook pages, after they proved to be uncontactable by conventional means. And Victoria Police also recently served an Intervention Order via Facebook.

Social networks have the great advantage of offering those in law and legal advocacy access to new audiences, and offering new resources to those audiences. It is a forum, unprecedented in its efficiency and immediacy, for the sharing of ideas, calls for action, campaigns, judgments, as well as international, national and regional developments and events. And there is the potential for mobilising movements to keep governments accountable as well. The skeptics are wrong to cast these networks as trivial and frivolous. It is not just a matter of announcing what one has had for lunch, or when the train is departing. Technologies such as Twitter, Facebook, blogs and YouTube (and whatever comes next) are great for creating new networks of interested and interesting people you would otherwise never hear from.



There is no shortage of 'how to' guides on the Web, but for the uninitiated, a brief primer on some virtually free community builders. Facebook is for keeping in touch, but it's not just for finding old schoolfriends. You can create new spaces for your community to meet, whether for students in the same class, teachers in a specific subject area, or legal centres and the people who work for and use them.

Twitter is a great source of information; it works like a noticeboard to the world, where you choose whose notices (tweets) you read, dipping in and out as it suits you. PDFs and webpages can be linked using shortened URLs. You can do nothing more than read the 'newsfeed' or you can 'live tweet' events or promote your interests and those of others as you wish (as long as it is in posts of 140 characters or less).

Blogging is a self-publishing medium on the internet. You can share your profound thoughts, without the need of prior approval of a publisher or editor. It can take on a very personal voice, or present your organisation's positions on law reform, legal developments or a political campaign. Used with Twitter and Facebook, you can 'claim your space', and extend your community.

If you want people to know what your legal centre or NGO is doing, you need a social media presence. It is not a replacement for the legal and advocacy work we usually do, but it provides an additional form of communication and information, which is a crucial part of legal practice. And it's fun.

ps. To get you started, you can follow this journal on twitter @altlj, and on Facebook. Here are some of my recommended Australian law-related NGOs

on Twitter; @castancentre, @rightsagenda, @homelesslaw, @AustLawReform, @foolkitlegal, @PIACnews, @amnestyoz, @consumer_action, @justiceaction, @probonoLEGAL, @justinian, @OUTspokenAU, @ASRCI, and there are dozens of individuals to also follow.

pps. Disclosure: I am the National Convenor of the *Alternative Law Journal*, and I teach law at Monash University law faculty. I am also involved in the Castan Centre for Human Rights Law. This piece is my opinion, not that of the Journal, its editors, the University or the Centre. You can reach me @melistomato or melissa.castan@monash.edu.

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