

**OPEN NINTH:
CONVERSATIONS BEYOND THE COURTROOM
GOING SOCIAL
EPISODE 53
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HOSTED BY: FREDERICK J. LAUTEN**

(Music)

>> Welcome to another episode of “Open Ninth: Conversations Beyond the Courtroom” in the Ninth Judicial Circuit Court of Florida.

Now here’s your host, Chief Judge Frederick J. Lauten.

>> **CHIEF JUDGE LAUTEN:** So we’re thrilled to be joined today by Kristy Dalton. Kristy is the founder and CEO of Government Social Media and the creator and host of GovGirl, an online video show focused on government innovation.

Kristy has extensive experience in both private and government sectors. She served on the board of directors of the National Association of Government Web Professionals. And her government career includes serving as the web manager for the City of Reno, in Nevada, the public relations coordinator for the City of Wheaton in Illinois, deputy clerk for the town of Cortland in Illinois.

Kristy holds a master’s degree in communications from Northern Illinois University. She’s a frequently sought-after lecturer and advisor to government agencies on digital strategy. And we’re thrilled to have Kristy join us today.

Welcome to Open Ninth, Kristy.

>> **KRISTY DALTON:** Thank you so much, Judge Lauten. I’m excited to speak with you on Open Ninth, and I’m looking forward to answering any questions you have for me.

>> **CHIEF JUDGE LAUTEN:** Well, great. Let’s start with this one. Can you tell us about your pathway to the government sector and also to your pioneering the use of social media as a communication platform for government agencies?

>> **KRISTY DALTON:** Great. I’d love to.

Well, I got my start in government back in 2001. And I worked in government for a decade at the local government level. I loved it. I worked in, as you mentioned, PR managing web services. And one of the things that I did for the City of Reno, Nevada, is I launched their first social media profile, along with my boss Kevin Knutson, and we created Reno's first Facebook page, their Twitter profile. And this was back when government agencies were just dipping their toes into social media. This, I want to say, was around maybe '07, '08.

And there were some agencies that were experimenting with social media. We were one of the first, as well. And I started talking about our experiences online. I created a blog, and my blog was in my maiden name @kristyfifelski.com, which you can imagine how many people actually visited that blog. But then I rebranded a little bit, started calling it GovGirl.com and got more involved in video and talking about our experiences launching social media; what was working for Reno, what wasn't.

And at the time, Reno started gaining a large following on social media. We had about 14,000 followers on Facebook at the beginning, and that was big for us, back when the City of Las Vegas had something like 700.

>> **CHIEF JUDGE LAUTEN:** Wow.

>> **KRISTY DALTON:** So, yeah, it was a great start for us. And the -- throughout the conversations of GovGirl and learning more about what other government agencies were doing, I realized that we needed to have a voice for government social media, needed to have some best practices, some training. And I started working on an event to bring together social media coordinators in government agencies across the country so they could start networking with each other. And that's really where GSMCON, the Government Social Media Conference, was born.

My current company that I'm running is Government Social Media, LLC, and we offer a lot of different services for government agencies and GSMCON is one of them.

>> **CHIEF JUDGE LAUTEN:** Well, if I could, I'd like to go back to the beginning for just a minute, Kristy.

>> **KRISTY DALTON:** Sure.

>> **CHIEF JUDGE LAUTEN:** And can you share with us sort of institutional resistance or barriers? What did you face when you first suggested to a government agency, perhaps we should get on the social platform, social media?

>> **KRISTY DALTON:** Oh, well, I have to tell you that I was one of the resisters.

>> **CHIEF JUDGE LAUTEN:** Okay. That's ironic.

>> **KRISTY DALTON:** When I was managing web services for the City of Reno, we -- basically my boss said, hey, I think we should get us started on Facebook. And this was before Facebook had a mechanism for agencies, or any pages. There was just a profile. So we created the City of Reno as a profile on Facebook, so other people had to request to be friends with us. And then we created the Twitter profile as well.

But to be honest with you, I was very similar to a lot of people who get the hat of social media at their government agency, where I was thinking, we have so many priorities, we have so much going on with our website, our internet and other ways to communicate with citizens, I just didn't get how there could be value in social media. Because that was something, at the time, where it was just for your friends and your family, and brands were, you know, just starting to get involved on social media as well.

So what was the turning point for me was I started realizing what was working on social media and the tremendous impact that it was having. In Reno, we had -- a sense of humor really worked for the citizens of Reno, and --

>> **CHIEF JUDGE LAUTEN:** For some reason I buy that, for Reno, Nevada.

>> **KRISTY DALTON:** You know, the home of *Reno 911!*

>> **CHIEF JUDGE LAUTEN:** There we go.

>> **KRISTY DALTON:** And just that conversational approach worked very, very well.

And when we started to have -- not talking like we were writing a press release but more like we were having a conversation with citizens, it really started to take off and people started conversing with us online, and our number of followers grew, and we were able to solve issues that citizens had with, you know, things going on in the city, and they were asking us to help solve, basically, service requests. And the most influential aspect of social media I saw was when it came to emergencies.

Back in 2011, in Reno, we had a major fire in the city called the Caughlin Fire, and we had to evacuate 10,000 residents. It was in a very densely populated residential area. And we used social media. And I was at the Emergency Operations Center, and once everyone realized that I was the person who's communicating on social media, I was suddenly the most popular person at the EOC because they could -- they realized that they could get information about evacuations and, you know, the containment area and all of that through social media.

And that really is -- it's what I try to teach government agencies, is that's really -- at the end of the day, that's why we do everything with, you know, conversational tone and having humor on social media, and do fun things, it's so that we have a large audience so at the end of the day, in an emergency, we can communicate with them.

>> **CHIEF JUDGE LAUTEN:** Right. Right. Yeah, that's great. That's a great example. I know we used our platform for hurricane awareness but also response. So we had to shut the courthouse down, and that was very tricky. What days were you closed, is my -- what will happen to my hearing.

What obstacles face government agencies that maybe a private sector company wouldn't have in using social media?

>> **KRISTY DALTON:** That's a very good question, because a lot of times outside of government and public sector you really don't realize the differences between our use of social media and private industry. And it is a lot different because governments have several considerations that they have to make that private industry doesn't.

When considering things like the First Amendment and blocking users, which, you know, a private industry can do that no problem. When you deal with government blocking users from their social media profiles, all of a sudden you're looking at affecting discourse and affecting their ability to communicate to the government on issues that might be matters of public concern, you're affecting their ability to communicate in the future. You have to look at social media as being a public forum for citizens to communicate with their government.

And there are so many issues coming about because of these types of things, that elected officials are blocking users. There's also public records, and the fact that social media is a record that was created by the government.

>> **CHIEF JUDGE LAUTEN:** Right. Right.

>> **KRISTY DALTON:** And so now you have citizens that are typically filing their Freedom of Information Act requests to the government agency, and now all of a sudden they're requesting records related to what they posted on Twitter, or what the government agency posted

on Facebook. And they have to consider all those things as well. Whereas just, you know, the Wendy's Twitter account probably doesn't have to worry about records retention of the legal thing.

>> **CHIEF JUDGE LAUTEN:** Right. Right. Right. And that's fascinating, Kristy.

One concern, and it was a bit of an obstacle we faced is, we thought, well, we're a court system but we can't give legal advice to the public. We're not -- judges aren't allowed to. And so on Facebook and Twitter, we have users who would say -- you know, ask us a question that really called for legal advice. You don't want to be impolite or impertinent, but we had to make certain that we didn't respond by violating ethical rules that constrain us. I have to imagine that's true at all levels of government agencies, but particularly true for court systems.

Have you worked with many court systems?

>> **KRISTY DALTON:** I have worked with some, and I know that there have been employees of court systems that have participated in our educational programs and our annual event.

>> **CHIEF JUDGE LAUTEN:** Right.

>> **KRISTY DALTON:** The big issue is that the public doesn't understand what all of the legal aspects are, and they don't understand the rules and the -- you know, what each entity is allowed and is not allowed to do.

One of the things that is a big issue on social media is with governments that are communicating about, say, a ballot issue, just to educate citizens on, this is going to be on the ballot, here's when this is going to occur, and here are the variables that are involved. But that they can't actually promote --

>> **CHIEF JUDGE LAUTEN:** Advocate, right.

>> **KRISTY DALTON:** They can't actually advocate. They can't actually, you know, promote for any particular outcome of that.

>> **CHIEF JUDGE LAUTEN:** Right.

>> **KRISTY DALTON:** We're seeing a lot of issues that government agencies are having when election season comes around.

>> **CHIEF JUDGE LAUTEN:** Right.

>> **KRISTY DALTON:** And their elected officials are on social media. And perhaps during non-election season they have staff members at the government agency that are responsible for communicating on social media on behalf of that elected official. But then when election season comes around, they have to take a step back because they can't use public funds or staff time --

>> **CHIEF JUDGE LAUTEN:** Use the platform -- right. Interesting.

>> **KRISTY DALTON:** Exactly.

>> **CHIEF JUDGE LAUTEN:** That's interesting.

>> **KRISTY DALTON:** Yes. And there's a lot of confusion, as far as the public is concerned, about what governments can and can't do on social media.

>> **CHIEF JUDGE LAUTEN:** Yeah. That's fascinating. That is constantly an issue for us here.

Kristy, I'm wondering if you've encountered this. It's something -- fortunately, we haven't encountered it a lot, but it's come up occasionally, and that is we -- what do you do with postings that are directed at people or even institutions that are obscene or threatening?

And, you know, in our business as judges, in practically every hearing, one side goes away unhappy, one side goes away happy. So it's -- you know, it's ripe for, you know, calling the judge an idiot or a moron or really starting to interject obscenity and sometime even threats.

As a consultant, what do you advise your clients about that factor in social media?

>> **KRISTY DALTON:** Sure. Well, what it comes down to is the government agency's official social media policy with regard to how they handle that -- those negative comments on social media. And it comes down to whether the government agency has a policy, does it address this, and although -- is that policy sound; is the policy actually violating rights because it's written so vague.

>> **CHIEF JUDGE LAUTEN:** Right.

>> **KRISTY DALTON:** So it's a pretty common practice for government agencies to have a comment moderation policy, and it will identify the reasons for the removal of those comments. One of the things that we advise is to be really cautious of including language that is very broad and just lists offensive comments as a reason for removal, because offensive is very subjective.

>> **CHIEF JUDGE LAUTEN:** Right.

>> **KRISTY DALTON:** But if you can be specific and indicate that your agency has the right to remove comments if they are threatening or if they are profane or if they have, you know, conduct that encourages illegal activity -- and there's a number of these types of reasons for comment removal that are pretty common for a government agency to have in their social media policy.

And then as those comments come up and they enforce that, the common action that they can take is to remove those comments. I would have a couple of caveats with that. If the -- one,

is that you have an archival system in place so that there is a record of what that comment was before you removed it.

>> **CHIEF JUDGE LAUTEN:** That's a good point.

>> **KRISTY DALTON:** And also make sure that you are being consistent as a government agency, and you're not picking and choosing which comments violate your policy. And also making sure that your policy is sound. Your policy basically can't state, or we would advise that your policy shouldn't state, that you're going to remove negative comments or comments that are disagreeable for your government agency. And we've heard of cases where the judge has ruled basically that, yes, this comment violated your policy but your policy interfered with the right to freedom of speech.

>> **CHIEF JUDGE LAUTEN:** Right. Right. Right.

>> **KRISTY DALTON:** So it's quite a fascinating thing. But there is a list of basically commonly included reasons for removal for government agencies.

>> **CHIEF JUDGE LAUTEN:** Right.

>> **KRISTY DALTON:** But it really does boil down to whether the agency -- the public sector agency has a policy or not. And unfortunately, there are many government agencies that are involved on social media and they don't have an official social media policy.

>> **CHIEF JUDGE LAUTEN:** That's --

>> **KRISTY DALTON:** And that's like step number one that we recommend.

>> **CHIEF JUDGE LAUTEN:** Well, that's great. That's great to hear from you and caused me to stop and think. And I'm not sure I could articulate it off the top of my head but, yes, I can see where you have to have a policy because it could end up -- and I should know this better than anybody -- in litigation. Because lots of things can end up in litigation.

Kristy, we have this unique issue unrelated to our website or our Facebook or Twitter account. But individual judges in Florida have Facebook accounts, and the Florida Supreme Court issued an Opinion that judges can't "friend" lawyers because the public might perceive that as you being biased in favor of that because the public doesn't fully comprehend the Facebook meaning of the term friend and the common usage of the term friend and would conflate the two to think, oh, that lawyer is your friend but that lawyer is appearing in front of you. And so they said, you know, you can't "friend" lawyers. And it's gotten a lot of debate at the lower level among judges who are users, about whether the terms are synonymous or have different meanings in light of a different aspects of social media friendship and general friendship.

That's just an aside. I don't know if you're aware of that debate within, at least, our legal system.

>> **KRISTY DALTON:** Yeah, you know, that's interesting. And I have heard of instances where basically that action of liking is equated to, you know, having the -- at least the perception that there is a preferential treatment or support of.

One of the things that Facebook has done to try to address the issue of when people friend or like a page or a person, having that connotation that it's liking or friending, they've created something called following to directly address that. And you can -- a person or a page, you can follow that person or page and not actually have that terminology of liking.

And we've talked to Facebook about this, and actually, in their eyes, as far as the performance of your page and everything on Facebook's end, they aren't making a distinction between friending or liking and following as well.

>> **CHIEF JUDGE LAUTEN:** Gotcha.

>> **KRISTY DALTON:** So it is interesting. And I have to say that terminology is important.

>> **CHIEF JUDGE LAUTEN:** Sure. Well, we came to the game a little late, but not -- we're not -- in some ways we're very progressive in the State Court system in Florida. If you compared us to industry, we're kind of slow to respond. And our concerns were, how do we manage and moderate social media so that we comply with our mission as a court system to fairly resolve disputes and give due process to everyone, and not give legal advice and the many ethical constraints we're under. And how do we manage that with making sure that the public has multiple sources to understand how its government operates and what we do in providing information in a most modern form.

Is there any government agency that you think is the sort of slowest or last player to join in the social media platform?

>> **KRISTY DALTON:** Oh, that is a good question. I think typically at government agencies it is the department and the divisions that have -- they're more of internal-facing resource for their agency and they don't see how the information that they have could apply to the general public. Like for instance, an Information Technology department that supports their internal operations at that agency, but they don't really see how that can apply publicly.

The most recent, I would say, government departments to get on board with social media that have seen a lot of success is Human Resources. And so Human Resources typically, you know, provides support. But in terms of their role with recruitment for their government agencies, a lot of them have been wildly successful at using social media for that as well.

>> **CHIEF JUDGE LAUTEN:** Right.

>> **KRISTY DALTON:** So it basically all depends on what entity it is and also kind of your mindset of, how could the information I could share be helpful to the public. In the case of judges and with the responsibility of resolving disputes but then not giving legal advice, I think that that is -- social media is the perfect opportunity to educate the public on what it is you actually do and what you can do.

>> **CHIEF JUDGE LAUTEN:** Right. Right.

>> **KRISTY DALTON:** And a lot of, you know, did-you-know type posts and graphics illustrating that, maybe some behind the scenes and, you know, how -- the thought process of how judges make decisions.

>> **CHIEF JUDGE LAUTEN:** Right. Right.

>> **KRISTY DALTON:** And I think that that would really work well.

>> **CHIEF JUDGE LAUTEN:** What has -- our experience, Kristy, that has benefited us is I think the public understandably says, I know what a judge does; a judge goes into a courtroom and listens to both sides and manages that event and sometimes has to make the decision himself or herself or has a jury to assist.

But what we found is we show visually and in other ways the multifaceted things that judges do; include educational activities in the community, attending events, being involved in committees, you know, the list is pretty long. And when you can sort of post that and show to people, wow, I didn't know you guys did all of that. Being involved on Supreme Court committees, teaching other judges, and the list goes on and on. Volunteering their time in the community, which I think surprises the public a little bit. So it's been very helpful in that area.

But let me ask you this question, if I can. Sort of a short-versed question. What are the greatest benefits of these platforms for government? What's the biggest weakness or challenge or detriment?

>> **KRISTY DALTON:** I love that question. Well, the greatest benefit is just to be able to communicate to a large portion of your constituents with free platforms that they're already on, so you're not trying to figure out how to communicate with them, because you know that they're already there.

>> **CHIEF JUDGE LAUTEN:** Gotcha.

>> **KRISTY DALTON:** And, you know, it's just -- it's the best thing for your time and your buck. The challenges are how you can operate within your legal guidelines and your whole purview for your government entity within the realm of social media and to have it be a happy marriage, so to speak.

>> **CHIEF JUDGE LAUTEN:** Right. So, Kristy, I want to throw this one at you and get your response. I'm not sure how old you are, and I'm not going to ask, but I think you and I are a little separated by some years. But my son was in college when Facebook was in its infancy. So he and my daughter both say that my generation and adults have stolen Facebook. We hijacked it from them. It was their social media platform to communicate with people of their age, and those doggone adults came in and they took it away from us. And so they've moved away, in a sense, from Facebook to other platforms.

So I'm curious your thoughts about generational divides and social media and the future of communication through these various platforms and how it relates to different age groups.

>> **KRISTY DALTON:** Well, I would say that they're not alone. My stepson says that Facebook is for old people.

>> **CHIEF JUDGE LAUTEN:** Great. Just when I get on it, I'm accused of being old.

>> **KRISTY DALTON:** But I think it's important to understand that Facebook isn't the end-all be-all for social media.

>> **CHIEF JUDGE LAUTEN:** Right.

>> **KRISTY DALTON:** Social media is going to continue to evolve. And Facebook, mark my words, is not always going to be the it thing. Sure, they have a couple billion users right now.

>> **CHIEF JUDGE LAUTEN:** That's all.

>> **KRISTY DALTON:** But the demographics are shifting, definitely.

>> **CHIEF JUDGE LAUTEN:** Right.

>> **KRISTY DALTON:** You have government agencies that are taking a concerted effort to look at those platforms that are more popular with younger folks, and with millennials and even younger than that. And you have governments that are experimenting with Snapchat, for instance.

>> **CHIEF JUDGE LAUTEN:** Right.

>> **KRISTY DALTON:** And doing a lot more experimentation with Instagram. Instagram just came out with their Instagram Television. I think that will be interesting for the platform as well. And you just have to go with the flow with regards to what new platforms are out, evaluate whether or not they make a good fit for your agency, and go forth.

Again, going back to that whole social media policy, I do think it's important to -- in tandem with your social media policy, to really have a solid social media plan, or at least start to develop that plan.

>> **CHIEF JUDGE LAUTEN:** Right.

>> **KRISTY DALTON:** And that plan is going to be your strategy for the social media space and the particular social media platforms, what your approach to new platforms might be, and your approach if a platform is not performing well with you, for retiring your accounts on that program.

>> **CHIEF JUDGE LAUTEN:** Interesting. Interesting.

>> **KRISTY DALTON:** With regard to Facebook, though, it is getting a larger portion of the seniors, and the 65-plus crowd is growing on Facebook, so that's the demographic we can --

>> **CHIEF JUDGE LAUTEN:** Well, yeah, I mean, that, in a sense, benefits us because if it were only for my son's generation, we would miss out being able to push this information out to the many generations that we want to reach. So I'm not -- I sounded a little critical of Facebook, but I really meant it as -- it's a little funny when my son says, you know, this was ours and you stole it from us.

But since you work in this industry and you've devoted your professional life to it, could you -- are you able to predict what this will look like in five years from now, or is it -- because one of the senses we have here is just when we sort of get it -- a plan and an approach, it's like, oh, okay, that platform is decreasing in value or usage, and now you have to move to Instagram or Spotify -- not Spotify -- Instagram or Snapchat or -- and -- you know, and then as soon as we get comfortable with that, it's going to -- oh, no, no, that's not the platform anymore.

So what do you predict? What -- do you know what some of the up-and-coming platforms are, Kristy?

>> **KRISTY DALTON:** Well, it's going to be hard to predict what the dominating platform in five years from now is going to be. You have platforms that pop up all the time.

And for instance, governments were considering the possibility of getting involved in the Vero platform, which was going to be subscription based. But there wasn't going to be an algorithm, which means that basically Facebook decides what they show you based on things that you like and friends that you have. They determine what you're more likely to see on Facebook. So the idea with this other social network was that you would see everything from everyone who you followed.

I think that the better way to take it would not be to predict what platform is going to be hot in five years, but instead predict the type of style of communication that is probably not going to go anywhere for a while and that is being able to be involved on a platform that has users that represent your constituents and being able to interact with them real time and being able to manage the feedback and the questions that they provide to you. So agnostic of whatever platform that is going to do that best for your particular audience, it's going to be able to at least do that.

And what's -- I think what is more helpful with social media is to look at what's coming in the upcoming year, just because things do change and they go back and forth. I would say for 2019, if you were looking at your social media strategy for 2019, I would look into -- there's a big debate over video and whether or not horizontal video or vertical video.

>> **CHIEF JUDGE LAUTEN:** Fascinating.

>> **KRISTY DALTON:** What I'm hearing is that a lot more platforms are more accommodating for vertical video now, which is a complete 180 from anything that was previously recommended, and that's where you have your phone upright. Longer form video is probably going to perform well, and live video certainly has the -- I would say, the market share of interest right now.

And also, government agencies might need to consider new strategies for their advertisements. A lot of governments have a budget for advertising -- a lot don't -- but a lot (indiscernible) have a budget for advertising, they've taken that to social media, and there's a lot of issues revolving around political ads now (indiscernible) designations for those, so that's something to consider for 2019 as well.

But in a nutshell, whatever the platform is going to be hot in five years from now, still the basics -- the fundamentals are going to be the same.

>> **CHIEF JUDGE LAUTEN:** Kristy, I want to honor your time, and I know you're on a little bit of a time constraint. There's so much more I'd like to talk to you about, and maybe can do another podcast in the future, because this is fascinating.

>> **KRISTY DALTON:** I'd love that.

>> **CHIEF JUDGE LAUTEN:** But you've given us so much to think about. In fact, I'm sure we're going to listen to this, you know, next week, first thing, because I think we need to talk in more depth here about our strategy overall and our plan and make sure that we have a policy statement as you suggested.

But thank you so much for taking time out of your very busy day. You're an expert in this field. Your following is -- it's deep, and I respect that you have so many followers who love listening to your insights, and I understand why.

So thank you so much for sharing your thoughts and your time with us. We're very grateful to you, and we really appreciate it.

>> **KRISTY DALTON:** Thank you very much, Judge Lauten. I am happy to chat with you again, and this was a great experience.

>> **CHIEF JUDGE LAUTEN:** Great. Thanks.

>> You've been listening to "Open Ninth: Conversations Beyond the Courtroom" brought to you by Chief Judge Frederick J. Lauten and the Ninth Judicial Circuit Court of Florida. For more information about the Ninth Circuit Court, follow us on Facebook, Twitter and Instagram.

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