

STATE OF MICHIGAN  
6<sup>TH</sup> JUDICIAL CIRCUIT COURT OAKLAND  
COUNTY PROBATE COURT

POLICY REGARDING THE USE OF CELL PHONES AND OTHER PORTABLE ELECTRONIC COMMUNICATION DEVICES

This policy is issued in accordance with MCR 8.112(B). The purpose of this policy is to specify the permitted and prohibited uses of portable electronic devices in a courthouse, and to set further reasonable limits on photography and audio or video recording or broadcasting in a courthouse as authorized by MCR 8.115(3)(d).

IT IS ORDERED:

I. Use of Portable Electronic Communication Devices in a Courthouse.

A. Purpose. This rule specifies the permitted and prohibited uses of portable electronic devices in a courthouse. A court must use reasonable means to advise courthouse visitors of the provisions of this rule. Any allowed use of a portable electronic device under this rule is subject to the authority of a judge to terminate activity that is disruptive or distracting to a court proceeding, or that is otherwise contrary to the administration of justice. This rule does not modify or supersede the guidelines for media coverage of court proceedings set forth in AO No. 1989-1.

B. Definitions. The following definitions apply in this rule:

1. "portable electronic device" is a mobile device capable of electronically storing, accessing, or transmitting information. The term encompasses, among other things, a transportable computer of any size, including a tablet, a notebook, and a laptop; a smart phone, a cell phone, or other wireless phone; a camera and other audio or video recording devices; a personal digital assistant (PDA); other devices that provide internet access; and any similar items.
2. A "courthouse" includes all areas within the exterior walls of a court building, or if the court does not occupy the entire building, that portion of the building used for the administration and operation of the court. A "courthouse" also includes areas outside a court building where a judge conducts an event concerning a court case.
3. A "courtroom" includes the portion of a courthouse in which the actual proceedings take place.

C. Photography and audio or video recording, broadcasting, or live streaming.

Except for requests for film or electronic media coverage of court proceedings as permitted under AO No. 1989-1, the following restrictions apply to photography, audio recording, video recording, broadcasting, or live streaming in a courthouse.

1. In a courtroom: In a courtroom, no one may use a portable electronic device to take photographs or for audio or video recording, broadcasting, or live streaming unless prior approval is granted by the Judge presiding over that courtroom.
2. Outside a courtroom: In areas of a courthouse other than courtrooms, no one may photograph, record, broadcast, or live stream an individual without that individual's prior express consent.
3. Jurors: No one may photograph, record, broadcast, or live stream any juror or anyone called to the court for jury service.
4. Local orders: By local administrative order, a court may adopt further reasonable limits on photography and audio or video recording or broadcasting in a courthouse.

D. Jurors and witnesses.

The following restrictions apply to use of portable electronic devices by jurors, including prospective jurors, and by witnesses.

1. Jurors: Jurors must turn off their portable electronic devices while present in a courtroom. A court may order jurors to turn over to the court their portable electronic devices during deliberations. If so, the court must provide jurors with a phone number where they can be reached in case of an emergency during deliberations.
2. Witnesses: A witness must silence any portable electronic device while in a courtroom and may use a device while testifying only with permission of a judge.

E. Attorneys, parties, and members of the public.

The following provisions apply to use of portable electronic devices by attorneys, parties, and members of the public.

1. Allowed uses: Attorneys, parties, and members of the public may use a portable electronic device in a courtroom to retrieve or to store information (including notetaking), to access the Internet, and to send and receive text messages or information. Attorneys, parties, and members of the public may use a portable electronic device to reproduce public court documents in a clerk's office as long as the device leaves no mark or impression on the document and does not unreasonably interfere with the operation of the clerk's office.

2. Prohibited uses: Attorneys, parties, and members of the public must silence portable electronic devices while in the courtroom. A portable electronic device may not be used, without permission of the court, to make or to receive telephone calls or for any other audible function while court is in session. Portable electronic devices may not be used to communicate in any way with any courtroom participant including, but not limited to, a party, a witness, or juror at any time during any court proceedings. The court may restrict or terminate the use of portable electronic communication devices in the courtroom if it determines that its use is distracting or disruptive to any person associated with a case, or otherwise undermines the integrity, orderliness or propriety of court proceedings. The court may also restrict or terminate the use of devices if any person associated with a case, including parties, attorneys, witnesses or jurors, express concern or fear over someone's use of a device as it relates to the case. The court's decision to restrict or terminate the use of electronic communication devices in the courtroom is not appealable, by right or by leave.
3. Use of a portable electronic device outside a courtroom; limitations. Except as provided in Sections C, D and E of this order, a person may use a portable electronic device in a courthouse, subject to the authority of judges, Clerks of the Court, or court administrators to limit or terminate activity that is disruptive to court operations or that compromises courthouse security.
4. Violations of this rule: If these rules are violated, the presiding judge may confiscate the device for the remainder of the day or order that the phone be turned off and put away. Violations of this rule are punishable by appropriate sanctions up to and including contempt of court as determined in the discretion of the court.

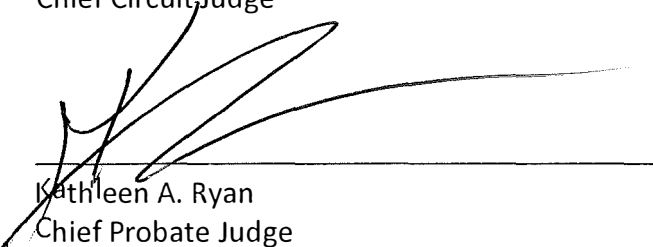
This policy shall be effective on May 1, 2020.



Shalina Kumar  
Chief Circuit Judge

05/04/2020

Date



Kathleen A. Ryan  
Chief Probate Judge

05/4/2020

Date