

AGENDA FOR THE LOCAL RULES ADVISORY COMMITTEE MEETING  
MARCH 7, 2013  
U.S. DISTRICT COURT, CHARLOTTESVILLE

**I. WELCOME AND INTRODUCTIONS BY Hon. B. WAUGH CRIGLER**

**II. PROPOSALS FOR ADDITIONS AND AMENDMENTS**

**A. Submissions by Steven D. Rosenfield (Attachment A)**

1. Rule 10 Communications with Jurors—Initiation of contact
2. Rule 54(a) Attorneys Fees—Increase time for filing

**B. Submissions by John Davidson (Attachment A)**

1. Amend Local Rule 6(e)—Allow *Pro hac vice* counsel to sign
2. Amend Local Rule 56—Require identification of undisputed facts

**C. Electronic Devices in Courtrooms—Need for consistent policy**

1. Attorneys, Press, and General Public
2. Policies from other districts (Attachment B)

**D. Grand Jury Target Letters—Public Docketing or Private Entry**

**E. Sealed Orders In Light of *In Re: Application of the United States for an Order Pursuant to 18 U.S.C. §2703(d)*, \_\_ F.3d \_\_ (4<sup>th</sup> Cir. 2013) (No. 11-5151, January 25, 2013).**

**III. AFTER-ACTION PLAN AND REPORTING DATE**

**IV. DATE FOR NEXT MEETING**

**\*\*\*\*Should the Western District experience snowfall on Wednesday, March 6, please contact Judge Crigler at 434-713-8446 or Julie Dudley at 540-293-0635 for a message regarding potential cancelation and rescheduling of the meeting. You may also check the court's public website for notice regarding cancelation: <http://www.vawd.uscourts.gov>**

## ATTACHMENT A

### PROPOSED CHANGES

By: Steven D. Rosenfield, Esq., via email, Jan. 31, 2013

#### **Rule 10, Communications with Jurors**

I think the Rule should insert the word initiate where I have it capitalized below. My argument is that we are not giant urban areas and running into a juror who has sat on a recent trial is not unusual. Twice I have had jurors contact me and ask to discuss their service at the trial of which I had just participated. This was before the adoption of the local rules. I have also encountered jurors at the market or a sporting event who introduced themselves to me and reminded me that they were on a jury of mine (it may have been after their term of service ended). In any event, these encounters/calls can leave a bad taste in a juror who initiates a call for whatever reason only to be told that I cannot discuss the purpose of their call because of a rule. Indeed, a juror may want to report a fellow juror misconduct which may need to come to the attention of the court promptly. A polite, "I cannot discuss the case with you" does not seem to accomplish the purpose of the rule when initiated by the juror.

**No attorney or party litigant shall INITIATE personally, or through any investigator or any other person acting for the attorney or party litigant, interview, examine or question any juror or alternate juror during the jurors term of service as a potential juror with respect to the verdict or deliberations of the jury in any action, civil or criminal, except by leave of Court upon good cause shown and upon such conditions as the Court in the particular case may fix.**

#### **Rule 54(a) Attorneys Fees**

On those rare occasions when I win a civil rights case, it will always take more than 14 days to first negotiate a resolution, then begin to draft the motion, update a previous memorandum and then spend the time trying to contact colleagues who can submit an affidavit helping to establish the typical market rate in the area, the difficulty or risk of taking the case and commenting about my background to justify my fee request, among other purposes. I would suggest that the Rule be expanded to allow the filing within 21 days and a response within 21 days. On occasion, a lawyer I approached was on vacation, or tied up in trial, or a myriad of other reasons that they could not act as quickly as I would hope. Twenty-one days seems like a little less rushed period. Most important is the time defense counsel needs to take an offer to settle the fees dispute with their insurance carrier or client before plaintiff's counsel even begins the production process of filing a motion. Resolution would be enhanced with a little less onerous time constraint as 14 days.

**DAVIDSON & KITZMANN**

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Charlottesville, Virginia 22902

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www.dklawyers.com

March 4, 2013

By Email  
Original by Mail  
Honorable B. Waugh Crigler  
United States Courthouse  
255 West Main Street  
Charlottesville, VA 22902

Re: W.D.Va. Local Rules Committee

Judge Crigler:

I would like to recommend amending a General Local Rule and a Civil Local Rule. I also would like to suggest that the local rules committee consider studying a new Criminal Local Rule.

**Amending General Local Rule 6(e)**

I recommend amending Local Rule 6(e) to allow the presiding judge to permit attorneys admitted *pro hac vice* to sign pleadings.

As it stands now, Local Rule 6(e) appears to stand for the proposition that only local counsel admitted to the bar of the Western District of Virginia can sign a pleading, even when the Court has admitted the lead attorneys in the case *pro hac vice*. I have four reasons to suggest changing this:

1. In Local Rule 6(d), the presiding judge is given the power to allow attorneys admitted *pro hac vice* to appear and argue orally without local counsel admitted to the bar of this Court being present. That is a good rule. In my view, if a judge can offer the trust and privilege to a *pro hac* attorney to appear personally to plead a case, then she or he also should have the power to offer the trust and privilege to a *pro hac* attorney to sign a pleading.

2. In Local Rule 6(d), *pro hac* attorneys are required to qualify for electronic filing promptly. I may be mistaken, but I do not see much reason to make them qualify for electronic filing if they cannot themselves file (and therefore sign) electronically.
3. In my experience, some judges in the Court have allowed *pro hac* attorneys to sign and file documents without requiring local counsel to sign them. If the change to Rule 6(e) is made, it may be documenting rather than changing reality.
4. If the Court were to go the other way and reinforce a rule that only local attorneys may sign pleadings, I respectfully submit that the Court will be adding expense to litigation.

In many cases, the *pro hac*, out-of-state law firm is lead counsel, and the primary role of local counsel is to advise the *pro hac* counsel on the customs, rules, and practices of the Western District. This is a valuable role. But often, local counsel has no contact or relationship with the client, perhaps not great expertise in the area of law that is the subject matter of the litigation, and little interaction with opposing counsel. The reality of litigation being what it is, local counsel easily can find himself or herself emailed by *pro hac* counsel a very lengthy filing on the day of a deadline and be expected to investigate, research, bless, and sign for Rule 11 purposes a pleading about which s/he knows little. A better rule is to allow the *pro hac* counsel sign and take responsibility for the pleading himself or herself.

I recognize that some might respond that the Court simply can make it the obligation of local counsel to do all of these things – to investigate factually, research the law, have the authority to speak for the client, obtain pleadings drafted by *pro hac* counsel far in advance of the deadline to allow for investigation, and so on – so that s/he and s/he alone can sign pleadings. That is true; the Court can insist. But if the Court does so, then I respectfully submit that such insistence would drive up litigation expenses for that party substantially. Having to pay at least two law firms to be fully up to speed in its case – both their normal, *pro hac* counsel and now their

local counsel – would make their experience with the civil justice system become that much more costly.

### Local Civil Rule 56

I suggest the Court adopt Local Civil Rule 56(B) of the Eastern District of Virginia. In that provision, the Eastern District requires the moving party filing a summary judgment motion to have a separately-captioned section precisely identifying the undisputed facts, with citations to the record establishing that the fact is undisputed.

This practice assists judges to analyze more rapidly the motion. Without it, sometimes moving parties will file long factual narratives with inadequate citation, which requires much more work for judges to analyze.

This provision would help nonmoving parties' attorneys perhaps even more than judges. A judge may be in a position to deny summarily a Rule 56 motion if the moving party offers up only a long factual narrative with poor or inaccurate citation to the record. But the nonmoving party's attorney does not know the judge's inclinations when it's time for him or her to file the nonmoving party's response. So, s/he has no choice but to weed through the long factual section, trying to find the kernel of record support the moving party claims, and so on. From experience, I can tell you that this is very labor-intensive.

I should also add that a large percentage of nonmoving parties facing Rule 56 motions are plaintiffs in employment litigation – Title VII, the ADA, and so on. Single-plaintiff civil rights cases have become increasingly difficult to handle on an economic basis. Statutory caps on damages have not been changed in over two decades. Most employment cases are modestly-sized now, yet plaintiffs' counsel frequently is forced to spend several hundred hours on those cases through pretrial motions, extensive discovery fights, and the like. At the same time, the rise of Rule 12(b)(6) motions following *Iqbal* and *Twombly* has, for all intents and purposes, doubled from one to two the number of dispositive motions that plaintiffs' counsel must face in these cases. Anything we can do to add efficiency would be a relief.

### New Local Criminal Rule

I would like to suggest that the committee consider whether the Court would benefit by establishing a procedure by which criminal defense counsel may approach a presiding judge *ex parte* regarding sensitive discovery materials and information. This idea is still just forming in my mind, so it may help to understand my thought process if I explain the situation.

On occasion, a defense lawyer will obtain very sensitive information in discovery. This may include the whereabouts of a victim or confidential informant, information about minors and victims of sexual abuse or violence, personal information about law enforcement, and so on. While perhaps a defense lawyer should not run across such information in formal discovery without the prosecutor knowing it, the reality is that they sometimes do. Human mistakes in redaction of discovery documents, in casual emails, and in hallway conversations will always happen. Also, sometimes a defense lawyer has information, either from this case or other cases or other sources entirely, that enables him or her to make connections and gather information that a prosecutor would not anticipate.

Defendants, especially those in custody, sometimes are quite demanding of their lawyers. They can demand all the information and/or documents the defense lawyer has. A conscientious defense lawyer is then in a conundrum. Ethical and professional mandates warrant against withholding information and documents from a client, even information or documents that the lawyer believes to be very sensitive. At the same time, counsel may recognize the harm that could come if such information or documents are disclosed and/or permitted to enter a local jail, where the safeguarding of documents is not always perfect.

I suggest that the Court investigate adopting a rule that allows a defense lawyer to appear before the presiding judge or magistrate judge *ex parte* for a conversation about the situation. Without a prosecutor there, defense counsel can be more candid. (If the prosecutor is there, then that prosecutor may learn of the information or documents upon which defense counsel has focused in trial preparation, which ordinarily would be secret. The prosecutor might also learn about misgivings the defense lawyer has of his or her own client.) At that stage, if the judge wished to enter an appropriate protective order governing the attorney's disclosure of information or documents, he or she could do so.

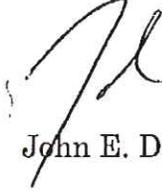
Honorable B. Waugh Crigler

March 4, 2013

Page 5 of 5

As is obvious from the description, this idea is a bit amorphous, which is why I suggest it just as a topic for discussion for now.

Best regards,

A handwritten signature in black ink, appearing to be 'J. Davidson', written over the printed name.

John E. Davidson

## **ATTACHMENT B**

### **SAMPLING OF ELECTRONIC DEVICE POLICIES FROM OTHER DISTRICTS**

1. Florida-Southern
2. Maryland
3. New York-Western
4. North Carolina-Middle
5. North Dakota
6. Ohio-Northern
7. Texas-Eastern
8. Washington-Western

1

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2009-12

**IN RE: PROHIBITION ON ELECTRONIC  
TRANSMISSIONS AND CELLULAR PHONE  
USE INSIDE COURTROOMS**

FILED by WJ D.C.  
**MAR 23 2009**  
STEVEN M. LARIMORE  
CLERK U. S. DIST. CT.  
S. D. of FLA. - MIAMI

In view of the Judicial Conference of the United States's policy and the prohibitions contained in Federal Rule of Criminal Procedure 53 and Southern District of Florida Local Rule 77.1 against live broadcasting from inside courtrooms, this Order amends Administrative Orders 2006-16 and 2008-07 to prohibit text messaging, emailing, twittering, typing, and any cellular phone use from inside courtrooms. These actions by persons inside the courtroom violate the sanctity of the courtroom and disrupt ongoing judicial proceedings.

The Court, however, must balance the interests of preserving the conduct of judicial proceedings against the public's right to know what happens inside courtrooms. Accordingly, it is

**ADJUDGED** that emailing, text messaging, twittering, typing, and using cellular phones shall continue to be prohibited inside the District's courtrooms. It is also

**ADJUDGED** that to balance the interest in preserving the sanctity and conduct of judicial proceedings against the public's right to know what occurs inside the District's courtrooms, this Order amends Administrative Orders 2006-16 and 2008-07 to allow news reporters to bring cellular phones, Blackberries, iPhones, Palm Pilots, and other similar electronic personal digital assistants (PDAs) into the courthouse consistent with what is permitted of attorneys, as long as the news reporters agree in writing not to email, text message, twitter, type, or use their cellular phones or other electronic device inside the District's courtrooms. A violation of the agreement will result in

contempt of court. The Clerk of Court shall keep the list of reporters who have signed such agreement and make that list available to Court security personnel assigned to each courthouse. The Clerk of Court shall also make space available in each courthouse for those listed reporters to use their cellular phones and other electronic devices outside of the courtrooms. Of course, District and Magistrate Judges retain the discretion to maintain order in their courtrooms, which includes the right to lock their courtrooms should the entry and exit of news reporters become disruptive in a particular proceeding.

DONE and ORDERED in Chambers at Miami, Florida this 23<sup>rd</sup> day of March, 2009.

  
FEDERICO A. MORENO  
CHIEF UNITED STATES DISTRICT JUDGE

Copies furnished to:

All Southern District and Magistrate Judges  
Steven M. Larimore, Clerk of Court  
Christina Pharo, U.S. Marshal  
Alex Acosta, United States Attorney  
Kathy Williams, Federal Public Defender  
Reginald D. Michael, Chief Probation Officer  
Edward Sieber, Case Assignment Administrator  
Library

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

IN RE:  
ELECTRONIC DEVICES  
IN THE COURTHOUSE

\*

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MISC. NO. 00-308

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**STANDING ORDER 2012-11**

Under Local Rule 506, the Court has generally prohibited any photography, videorecording, audiorecording, broadcasting, or transmission of court proceedings and courthouse spaces. In furtherance of this rule and to provide clarification to visitors to the courthouse, it is hereby

ORDERED that visitors to the courthouse and counsel may bring electronic devices into the courthouse provided they have been subject to a security inspection and cleared by security officers upon entrance to the courthouse;<sup>1</sup> and it is further

ORDERED that visitors to the courthouse and counsel may use cellular phones and transmit wireless data through mobile devices in the public areas of the courthouse provided these devices are not used for taking photographs or any audio or video recording. Members of this Court's Bar may use these devices in the designated attorney lounges; and it is further

ORDERED that visitors to the courthouse must turn off all electronic devices before entering a courtroom and may not use electronic devices in a courtroom without the permission of the presiding judge; and it is further

ORDERED that counsel may use electronic devices in the courtroom unless prohibited by the presiding judge, provided the devices emit no sound while in use, and the devices are not used for any activity prohibited by Local Rule 506; and it further

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<sup>1</sup> For purposes of this Order, "visitors to the courthouse" includes, but is not limited to, prospective jurors, members of the media, and case litigants.

ORDERED that selected jurors may use electronic devices in jury rooms except during deliberations, unless otherwise instructed by the presiding judge. Selected jurors may not use electronic devices in the courtroom while court is in session, and grand jurors may not use electronic devices in the grand jury room while the grand jury is in session; and it is further

ORDERED that this Order shall apply to the federal courthouses of the United States District Court for the District of Maryland sitting at Baltimore, Greenbelt, and Salisbury, Maryland, as well as at any alternate locations where the Court may sit in the District of Maryland; and it is further

ORDERED that nothing in this Order shall limit or expand the photography and recording exceptions permitted under Local Rule 506. A judge sponsoring an event at the courthouse may authorize the photographing or recording of courthouse spaces so long as the photographing or recording is not prohibited by Local Rule 506.1; and it is further

ORDERED that Standing Order 2012-08 is rescinded.

November 28, 2012

  
Deborah K. Chasanow, Chief Judge  
United States District Court

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK



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In re: Courthouse Security and Limitations on the Possession and Use of Personal Electronic Devices within United States Courthouses and United States Court Facilities in the Western District of New York

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**GENERAL  
ORDER**

**IT IS HEREBY ORDERED:**

1. Except as provided in this Order, no person may possess or use a camera, transmitter, receiver, recording device or Personal Electronic Device<sup>1</sup> in the United States Courthouses and United States Court facilities in the Western District of New York. Notwithstanding the exceptions set forth below, under no circumstances shall any Personal Electronic Device be utilized to photograph, broadcast or transmit judicial proceedings or grand jury proceedings or to conduct audio or video recordings of judicial proceedings or grand jury proceedings, whether these proceedings are held in open court, closed court or in the chambers of a judge of this Court. See Rule 53 of the Local Rules of Criminal Procedure; Rule 83.5 of the Local Rules of Civil Procedure; and Guide to Judiciary Policies and Procedures, vol. 10, ch. 4 and 5.
2. Upon request to the Chief Judge of the District Court or presiding judge, magistrate judge or bankruptcy court judge, the Court may allow the use of cameras and other equipment during ceremonial proceedings, including naturalization proceedings, mock trials, or a judge's investiture. Media cameras shall be allowed in the first floor public lobbies of the courthouses or court facilities, but shall not be allowed beyond the first floor or into any area occupied by the Court without the permission of the Chief Judge of the District Court.

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<sup>1</sup> "Personal Electronic Device" includes any electronic device that provides two-way communications. This includes but is not limited to cellular telephones, tablet computers, laptop computers, notebook computers and personal digital assistants. Examples of such devices are Palm Pilots, iPhone, Blackberry, iPads, and the Samsung Galaxy Tab.

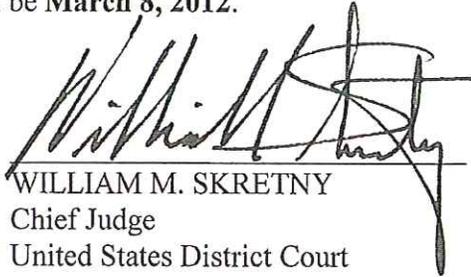
3. Court officials (District and Bankruptcy Court personnel, United States Probation Office personnel, United States Marshal Service personnel, Federal Protective Service personnel, General Services Administration building personnel, and contractors employed by these agencies) engaged in the conduct of court business are permitted to bring any camera, transmitter, receiver, recording device or Personal Electronic Device into the courthouses and court facilities of this District.
4. Court officials may use their Personal Electronic Devices anywhere in the courthouse when engaged in the conduct of court business, except such devices shall be turned off or placed on vibrate mode while in any courtroom.
5. Any member of the Bar of this Court, acting in his/her professional capacity and not as a litigant or witness in a case in this District or the grand jury, and who possesses a valid Court-issued Identification Card<sup>2</sup>, or is an attorney with the United States Attorney's Office, an attorney with the Office of the United States Trustee (including Bankruptcy Trustees) or an attorney with the Federal Public Defender's Office may bring Personal Electronic Devices into the courthouses and court facilities of this District for that attorney's own use. The Personal Electronic Devices may not be shared with any other person and must not be used in a manner that disrupts or interferes with any judicial proceeding. No Personal Electronic Devices may be brought into any courtroom or judicial chambers if the judge, magistrate judge or bankruptcy judge to whom the courtroom or chambers is assigned prohibits such devices.
6. Members of the Bar permitted to bring their Personal Electronic Devices into the courthouse must ensure that such Devices are turned to silent mode beyond the first floor lobby of the courthouse or court facility. Members of the Bar are permitted to use such devices in the first floor lobby, attorney conference rooms, telephone rooms and attorney lounge of the Buffalo courthouse. Personal Electronic devices may not be use in any other area, including courtrooms and lobbies outside of courtrooms for any reason without the express permission of the presiding judge, magistrate judge or bankruptcy judge.
7. Law enforcement agents and officers whose responsibilities include maintaining custody of individuals who have been arrested until their initial appearance and subsequent release or remand to the custody of the U.S. Marshal's Service may bring their Personal Electronic Devices into the courthouse and court facilities to facilitate this process. All Personal Electronic Devices must be placed on silent mode upon entering the courthouse. At all other times, law enforcement may not bring a Personal Electronic Devices into the courthouse or court facilities.

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<sup>2</sup> Identification Cards shall be issued by the District Court Clerk's Office to any attorney who has been admitted to the Bar of this Court, upon in-person request.

8. Any violation of this Order may result in sanctions including, but not limited to, a fine of up to \$100 and forfeiture of the privileges granted by this Order. If so ordered, members of the Bar who violate this Order shall be required to immediately surrender their Identification Card to the District Court Clerk's Office, or a court official designated by the presiding judge, magistrate judge or bankruptcy judge.
9. The Chief Judge or, in the absence of the Chief Judge, the Clerk of the Court, may suspend the privileges granted by this Order at any time for any reason.
10. The effective date of this Order shall be **March 8, 2012**.

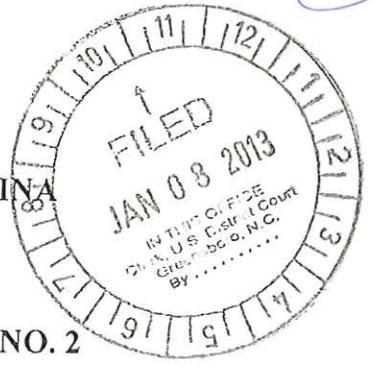
SO ORDERED.



WILLIAM M. SKRETNY  
Chief Judge  
United States District Court

Dated: *March 6*, 2012  
Buffalo, New York

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



RE: USE OF ELECTRONIC )  
DEVICES BY ATTORNEYS ) STANDING ORDER NO. 2  
)

This matter is before the court on its own motion to establish a uniform policy regarding cell phones, laptops, tablets or other electronic devices being brought into the federal courthouses by attorneys in the Middle District of North Carolina.

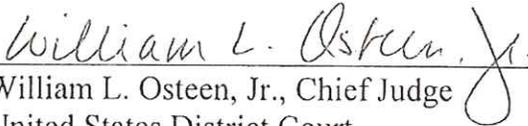
Effective immediately, members of the bar and attorneys who have associated with local counsel pursuant to Local Rule 83.1(d) may bring electronic devices into the courthouse upon showing of an Electronic Device Permission card. Attorneys may request the card by obtaining an Electronic Device Request and Acknowledgment Form from the clerk's office.

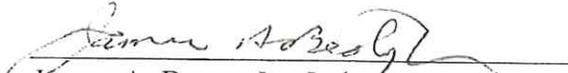
All electronic devices are subject to screening by the United States Marshal's Service or a Court Security Officer, and shall not be used to record, broadcast or transmit any video images or audio sounds of the proceedings or the environs. See LR83.7. Permitted attorneys shall maintain sole custody over the electronic device and shall not allow it to be used by anyone else unless they have been given court permission.

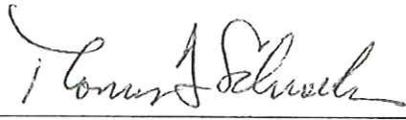
The use of an electronic device shall not disturb the court. While in the courtroom, attorneys should ensure that no sounds are emitted from the device and that the device is used only for official purposes during the proceeding being heard by the court. In all other instances, the device should be turned off while in the courtroom.

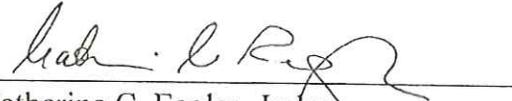
Failure to comply with any of the previous paragraphs may result in loss of right to use an electronic device in the United States District Courthouses in the Middle District of North Carolina, confiscation of the device, or result in other court sanctions, including, but not limited to, contempt of court.

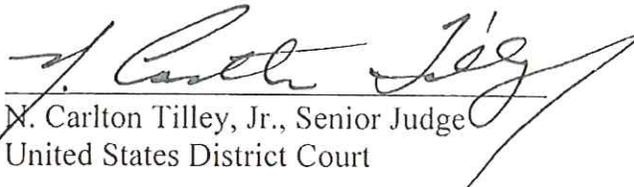
This the 8<sup>th</sup> day of January, 2013.

  
William L. Osteen, Jr., Chief Judge  
United States District Court

  
James A. Beaty, Jr., Judge  
United States District Court

  
Thomas D. Schroeder, Judge  
United States District Court

  
Catherine C. Eagles, Judge  
United States District Court

  
N. Carlton Tilley, Jr., Senior Judge  
United States District Court

**GENERAL RULE 1.5**

**USE OF ELECTRONIC DEVICES**

(A) PHOTOGRAPHS AND RECORDINGS

The taking of photographs and operation of recording equipment in the courtroom or its surrounding areas, and radio and television broadcasting from the courtroom or its surrounding areas, during the progress of or in connection with judicial proceedings is prohibited whether or not court is actually in session. A judicial officer may, however, permit (a) the use of electronic or photographic means for the presentation of evidence or the perpetuation of a record and (b) the broadcasting, televising, recording, or photographing of ceremonial or naturalization proceedings.

(B) LAPTOP COMPUTERS

Laptop computers are allowed and may be used in all areas of the courthouse, including courtrooms. All laptop computers must be rendered silent before entering a courtroom. Laptop computers may not be used to photograph, record, televise, or otherwise transmit any images or sounds in a courtroom, judge's chambers, jury room, or corridor of the building on the floor on which a courtroom or jury room is located.

(C) WIRELESS COMMUNICATION DEVICES

Wireless communication devices are not allowed in a courthouse with the following exceptions:

- (1) Employees of the courthouse tenants may bring wireless communication devices into the courthouse with no limitations except those imposed by their employer;
- (2) Law enforcement officers may bring wireless communication devices into the courthouse upon presenting proper identification to the United States Marshal Service or court security officer; and
- (3) Attorneys and their support staff may bring wireless communication devices into a courthouse upon presenting proper identification to the United States Marshal Service or court security officer.

Wireless communication devices must be turned off or rendered silent before entering a courtroom. Wireless communication devices must not be used for voice communication in a courtroom during judicial proceedings without the express permission of the presiding judge. Wireless communication devices may not be used to photograph, record, televise, or otherwise transmit any images or sounds in a courtroom, judge's chambers, jury room, or corridor of the building on the floor on which a courtroom or jury room is located.

(D) EXCLUSION AND INSPECTION

The United States Marshal Service and court security officers are authorized to exclude from any courtroom, prohibit from the courthouse, or confiscate any devices they have reason to believe violate this rule. All electronic devices are subject to visual and/or electronic inspection by the United States Marshal Service and court security officers at any time. An inspection may include a demonstration by the person in possession of the device that it is functional.

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2010 MAR -9 AM 11:00

CLERK OF COURT  
NORTHERN DISTRICT OF OHIO  
CLEVELAND

AMENDED GENERAL ORDER NO. 2009-21

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

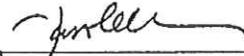
IN RE: CELL PHONES, CAMERAS,	)	AMENDED GENERAL
LAPTOPS AND OTHER ELECTRONIC	)	ORDER NO. 2009-21
DEVICES IN U.S. COURTHOUSES	)	

1. This Order applies to all participants in the courtroom, including spectators.
2. General Order 2006-11 captioned "In re: Cell Phones in U.S. Courthouses," entered May 11, 2006, is hereby vacated;
3. This Order acknowledges and reaffirms the Court's policy set forth in Local Rule 83.1 prohibiting "the taking of photographs in the courtroom or its environs, radio or television broadcasting, and the use of equipment incident to radio or television broadcasting from the courtroom or its environs, during the progress of and in connection with judicial proceedings, both civil and criminal, whether or not court is actually in session . . ." and the use or activation of audio/video cameras, audio recorders, and similar devices in the Court House.
4. The taking of photographs, the making of audio/video recordings, and radio, television and internet broadcasting are prohibited in the Court House. Cell phones and other electronic devices must be turned off prior to entering courtrooms.
5. Cellular phones may be used to make phone calls from outside the courtrooms only, absent approval from the presiding judicial officer. Counsel of record may use laptops at the counsel tables provided that the rules prohibiting photography, recording and broadcasting are not violated.
6. Judicial Officers have the authority to prohibit cell phones, hand-held devices and laptop computers capable of taking, recording, storing and/or transmitting audio, photo and/or video-data from their courtroom and chambers and the presiding judge may direct screening procedures to be conducted by the Court Security Officers.
7. Court staff, court security officers, and deputy marshals are authorized to seize and inspect devices suspected of being used in violation of these rules. Seized devices will not be returned

until the conclusion of all proceedings at the direction of the presiding judicial officer. Violators will be subject to sanction for contempt of court.

**IT IS SO ORDERED.**

For the Court



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James G. Carr  
Chief Judge  
United States District Court

**APPENDIX N Policy on Possession and Use of Electronic Devices in Courthouses**

(enacted by General Order 05-19, entered November 4, 2005)

In order to protect the integrity of judicial proceedings, to facilitate the legitimate use of electronic devices, and to comply with the mandates of the Federal Rules of Civil and Criminal Procedure and the Judicial Conference of the United States, the Court adopts this policy on the possession and use of electronic devices in the courthouses of the Eastern District of Texas.

Except as otherwise ordered in writing by a judge of this court, the rules set forth below govern possession and use of electronic devices in the federal courthouses in the Eastern District of Texas.

1. Portable telephones, tape recorders, cameras, laptop computers, handheld devices such as PDAs and Blackberries and other electronic devices are prohibited in Eastern District courthouses, except as mentioned below.
2. Law enforcement officers and attorneys and their staffs are permitted to bring electronic devices, including laptop computers, handheld devices (such as PDAs and Blackberries), and telephones, with or without cameras, into Eastern District courthouses, subject to screening by court security personnel. Portable telephones may be carried inside courtrooms, but must be turned off. Court security personnel may bar from the courthouse any device that appears to pose a threat to security, safety, or the integrity of judicial proceedings.
3. Judicial proceedings may not be recorded, broadcast or transmitted by any means, including still or moving photographs or any type of sound recording.
4. No photographs may be taken, or images or sound captured in any form within Eastern District courthouses absent permission in writing by a judge of this

court.

5. The use of wireless communication devices other than portable telephones within courtrooms is permitted, subject to orders of the presiding judge, including orders pursuant to Fed. R. Evid. 615 regarding exclusion of witnesses.

The Marshals Service is directed to adopt procedures implementing this policy, and for posting this notice at the public entrances of the courthouses in this district.

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

IN RE:  
  
ELECTRONIC DEVICES PERMITTED  
  
IN COURTHOUSES

GENERAL ORDER 01-13  
  
ORDER DEFINING ELECTRONIC  
DEVICE POLICY FOR WESTERN  
DISTRICT OF WASHINGTON  
COURTHOUSES

This order pertains to the use of electronic devices by the bar, media and the public in the courthouses and other dedicated spaces housing the United States District Court for the Western District of Washington. These are the Seattle United States Courthouse, the Tacoma Union Station United States Courthouse, and the Vancouver Federal Building. The policy also applies to all other places in which the court holds session.

Visitors to any of the Western District of Washington courthouses and dedicated spaces are allowed to carry and make use of various electronic devices as set out by this policy.

General Rules:

- 1 1. Anyone may bring electronic devices, such as a Blackberry, smart phone, laptop, or tablet  
2 computer or a similar functioning device having wireless communications capability into  
3 the courthouse.
- 4 2. Except for courtrooms, persons may use such devices in public areas of the courthouse to  
5 make telephone calls and to transmit and receive data communications, such as email or  
6 text messages, or to access the Internet. For reasons of privacy, safety, and security, use  
7 of these devices to take photographs or for audio or video recording or transmission is  
8 prohibited in the courthouse (exceptions for court staff, authorized vendors or for  
9 educational or ceremonial events).
- 10 3. In courtrooms, persons may use such devices to take notes, transmit and receive data  
11 communications, and access the Internet. This includes media members who are  
12 transmitting written accounts of the proceeding to a wider audience using various means.  
13 Persons may not use these devices for telephone calls, photographs or audio or video  
14 recording or transmission. Telephone ring tones and other functional sounds produced by  
15 devices must be disabled while in the courtroom. Only silent keyboards may be used in  
16 the courtrooms.
- 17 4. A presiding judge may prohibit or further restrict use of such devices by all persons  
18 prior to or during a proceeding when necessary to protect the rights of the parties or to  
19 assure the orderly conduct of the proceedings.

20 This order is entered with the agreement of the judges of the court.  
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Entered this \_5th\_ day of February, 2013.



Marsha J. Pechman  
United States Chief District Judge

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