

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

In re: Use of Electronic Devices
in Court Facilities

**AMENDED ORDER GOVERNING POSSESSION AND USE OF
ELECTRONIC DEVICES AT BAY CITY, MICHIGAN COURTHOUSE**

This Order is entered pursuant to the terms of E.D. Mich. LR 83.31(f)(3) that states in part that “[a] district judge located in a court facility at a duty station away from the Theodore H. Levin Courthouse in Detroit, Michigan, may make appropriate orders regulating the possession and use of phones [and electronic devices] in the buildings in which he or she presides.” *See also* E.D. Mich. LR 83.31(f)(1). This order shall govern and prescribe the terms and conditions for the possession and use of certain electronic devices including cellular phones; laptop computing devices; personal digital assistants (PDAs) with capacity to send or receive wireless transmissions; pagers; any other device with the capacity to send or receive wireless signals, message or images; cameras; and recording devices (collectively referred to as “Electronic Devices”) inside United States Courthouse in the Eastern District of Michigan, Northern Division, at Bay City, Michigan (referred to as “the U.S. Courthouse”).

I. It is **ORDERED** that, except as provided in this Order, no person may use or possess an Electronic Device in the U.S. Courthouse.

II. It is further **ORDERED** that attorneys who are members of the Bar of the Eastern District of Michigan appearing in connection with a judicial proceeding may possess and bring into court buildings cellular phones (including cellular phones with the capability of recording images),

PDA's, other Electronic Devices that assist in scheduling and are capable of sending and receiving wireless signals, pagers, and computing devices subject to the following restrictions:

A. An Electronic Device having the capacity to record audio or visual images may never be used in those modes;

B. A cellular phone, beeper, pager, and other communication device capable of producing an audible signal must be turned off except in the following designated areas: the corridor outside the second floor courtroom from the Court Security Officers' station to the east windows; the second floor attorney conference room number 210; the third floor north elevator lobby;

C. Any Electronic Device capable of two-way communication may not be used except in the spaces designated in II. B.;

D. An Electronic Device (except a laptop computer) may not be used, "answered," examined, or otherwise manipulated while in the courtroom;

E. A laptop computer and other computing devices may be used in courtrooms only in a manner consistent with the prescription of the judicial officer presiding in that courtroom;

F. A laptop computer and other computing devices capable of sending or receiving signals by wireless means may not be used in the transmit or receive mode while in a courtroom.

III. It is further **ORDERED** that this Order shall govern concerning the possession and use of Electronic Devices in all court spaces in the U.S. Courthouse, and the rules prescribed herein shall take precedence over other rules applicable elsewhere in the building.

IV. Copies of this Order shall be made available to persons entering court facilities by the court security officers. Any person who brings an Electronic Device into a court building shall be deemed to have consented to the terms and conditions of, and to be subject to, this Order.

V. It is further **ORDERED** that an attorney violating this rule is subject to discipline, including disbarment, in accordance with Local Rule 83.22.

VI. It is further **ORDERED** that a violation of this Order, including without limitation, unauthorized possession of an Electronic Device, use of an Electronic Device in an unauthorized space, possession of an Electronic Device in an audible mode, and failing to turn off an Electronic Device when required, **SHALL** result in immediate confiscation of the device. Any United States Marshal or Deputy Marshal or court security officer may confiscate such devices.

VII. It is further **ORDERED** that a violation of this order may be punished by criminal contempt of court. A violation that disrupts a judicial proceeding may be punished by summary proceedings.

VIII. It is further **ORDERED** that a person whose device has been confiscated may apply in writing within twenty-eight (28) days after confiscation for return of the device. The application shall be made to the judicial officer whose proceedings were disturbed by the violation, or, if there is no such judicial officer, to the resident district judge. The judge may grant or refuse the request. If the judicial officer determines that no violation of this Order occurred, he or she shall order the device returned. If a violation has occurred and the request for return is granted, the judge shall assess an appropriate monetary payment as a condition of returning the device. Confiscated devices that are not returned, either because no request has been made within the time provided or the request for return has been denied, shall be disposed of in a manner directed by the chief judge.

IX. It is further **ORDERED** that the United States Marshal, his deputies, and court security officers may demand from any individual in possession of an Electronic Device identification in aid of enforcement of this order, and if the identification does not satisfy the officer that the person in possession of an Electronic Device is authorized in accordance with the terms of this order to bring the device or use it in a court space, the officer may refuse admittance to any person in possession of such a device.

IT IS SO ORDERED.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: August 6, 2007