

Chief Judge, Twelfth Judicial District

**ORDER REGARDING CELL  
PHONES and PDAs IN  
COURTROOMS AND FOR  
JURORS**



**CHIEF JUDGE  
ADMINISTRATIVE ORDER  
2010-01 Amended 8-16-10**

**General Considerations**

1. Today most people have wireless communications devices such as cell phones, PDAs or similar devices on their person at all times. In order to protect our court proceedings including jury selection, trials and the jury deliberation process, it is important that courts place appropriate limits on the use of such devices..

2. Anyone may bring a cell phone, a Blackberry or other personal digital assistant (PDA), a laptop computer or similar wireless communication device into the courthouse, subject to inspection and security checks. ***The phone function must be off at all times.***

3. In courtrooms, persons other than jurors may use such devices to take notes and to transmit and receive data communications so long as the device is completely silent and they do so in an inconspicuous way that does not interfere with the dignity and process of the court. Under NO CIRCUMSTANCES may persons use these devices to make or receive telephone calls, take photographs or make audio or video recordings or transmissions. The presiding judge may prohibit or further restrict use of such devices if they interfere with the administration of justice, the security of the proceeding or the integrity of the court process.

4. Attorneys, their staff, and law enforcement may use computers, PDAs, Blackberries etc. during all court proceedings, so long as they are on silent or vibrate. Under no circumstance may an attorney or their staff answer a phone in the courtroom.

5. Security officers and on-duty law enforcement may leave their cell phones on in vibrate or silent modes.

6. ***Failure to comply with any of the directives shall result in the confiscation of the device by security staff and can result in a citation for contempt of court and a fine or time in jail.***

## **Jury Trials and Special Considerations For Jurors**

7. It is important not to make the prospect of jury service less attractive and more cumbersome by prohibiting use of wireless communications devices except as necessary to protect the integrity of trials and dignity of the court.

8. Persons summoned for jury service should be allowed to bring a cell phone, a Blackberry or other personal digital assistant (PDA), a laptop computer or similar wireless communication device into any jury assembly area (where one exists), and to use these devices in said jury assembly area in the same manner as allowed in other public areas of the courthouse.

9. Once a jury is selected, jurors will be permitted to contact family, employers, schools, babysitters to make the arrangements which are regularly required in such circumstances. This will occur under the supervision of the bailiff. Thereafter, all wireless communication devices including cell phones and PDAs will be turned over to the bailiff while jurors are at the courthouse. Jurors may not have such electronic devices in the courtroom or jury room at any time unless the court instructs otherwise.

**10.** In the jury room, before and during voir dire, trial, and deliberations, a juror may be allowed LIMITED access and use of an electronic device only in accordance with the instructions delivered by the judge at the commencement of jury selection. Unless specifically advised otherwise, potential jurors and jurors shall NOT access cell phones or similar devices, to make calls, twitter, text, or access the web or visit social networking sites during jury selection, trial or deliberations.

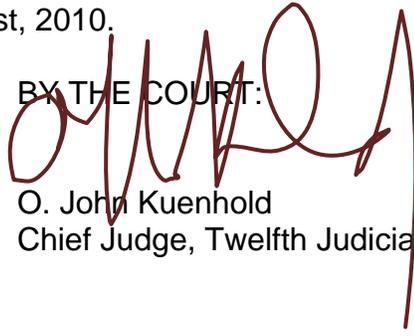
**11.** During lunch and overnight, jurors shall be allowed to use their electronic devices so long as they do so in accordance with the restrictions in the following paragraph.

12. Trial judges already admonish jurors not to try to learn about a case outside the courtroom and not to discuss the case except during jury deliberations. Similarly, the trial judge should clearly admonish jurors not to use wireless communication devices to read news accounts of the trial, conduct research related to the case, ask legal questions of anyone, discuss the case with anyone, or express their views online via blogs, Twitter accounts, instant messaging systems, text messaging or other means. The admonition should include an explanation of why these prohibitions are necessary to protect the integrity of the trial.

13. Some jurors may desire to take notes on electronic devices. This is not currently feasible in our courthouses without upgraded infrastructure, additional staff support and technological safeguards for the electronic data. Until then, we cannot provide jurors with anything more than the means to take notes on paper.

Done and signed this 16th day of August, 2010.

BY THE COURT:

A handwritten signature in brown ink, appearing to read 'O. John Kuenhold', written over the text 'BY THE COURT:'. The signature is stylized and cursive.

O. John Kuenhold  
Chief Judge, Twelfth Judicial District