

1 Rule 4-401.02. Possession and use of portable electronic devices.

2 Intent:

3 To permit the use of portable electronic devices in courthouses and courtrooms,
4 subject to local restrictions.

5 Applicability:

6 This rule applies to the courts of record and not of record.

7 Statement of the Rule:

8 (1) Definitions.

9 (1)(A) "Judge" as used in this rule means the judge, justice, or court commissioner
10 who is presiding over the proceeding.

11 (1)(B) "Portable electronic device" as used in this rule means any device that can
12 record or transmit data, images or sounds, or access the internet, including a pager,
13 laptop/notebook/personal computer, handheld PC, PDA, audio or video recorder,
14 wireless device, cellular telephone, or electronic calendar.

15 (2) Possession and use of portable electronic devices in a courthouse.

16 (2)(A) A person may possess and use a portable electronic device anywhere in a
17 courthouse, except as limited by this rule or directive of the judge.

18 (2)(B) All portable electronic devices are subject to screening or inspection at the
19 time of entry to the courthouse and at any time within the courthouse in accordance with
20 Rule 3-414.

21 (2)(C) All portable electronic devices are subject to confiscation if there is reason to
22 believe that a device is or will be used in violation of this rule. Violation of this rule or
23 directive of the judge may be treated as contempt of court.

24 (3) Restrictions.

25 (3)(A) Use of portable electronic devices in common areas. The presiding judges
26 may restrict the time, place, and manner of using a portable electronic device to
27 maintain safety, decorum, and order of common areas of the courthouse, such as
28 lobbies and corridors.

29 (3)(B) Use of portable electronic devices in courtrooms.

30 (3)(B)(i) A person may silently use a portable electronic device inside a courtroom.

31 (3)(B)(ii) A person may not use a portable electronic device to record or transmit
32 images or sound of court proceedings except in accordance with Rule 4-401.01.

33 (3)(B)(iii) A judge may further restrict use of portable electronic devices in his or her
34 courtroom. Judges are encouraged not to impose further restrictions unless use of a
35 portable electronic device might interfere with the administration of justice, disrupt the
36 proceedings, pose any threat to safety or security, compromise the integrity of the
37 proceedings, or threaten the interests of a minor.

38 (3)(B)(iv) During trial and juror selection, prospective, seated, and alternate jurors
39 are prohibited from researching and discussing the case they are or will be trying. Once
40 selected, jurors shall not use a portable electronic device while in the courtroom and
41 shall not possess an electronic device while deliberating.

42 (4) Use of portable electronic devices in court chambers. A person may not use a
43 portable electronic device in chambers without prior approval from the judge.

44 (5) Instruction to witnesses. It should be anticipated that observers in the courtroom
45 will use portable electronic devices to transmit news accounts and commentary during
46 the proceedings. Judges should instruct counsel to instruct witnesses who have been
47 excluded from the courtroom not to view accounts of other witnesses' testimony before
48 giving their own testimony.

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