

DEC - 6 2017

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

US District Court  
Western District of NC

MISC. NO. 3:05-MC-344

In Re: Electronic Devices in Courthouses

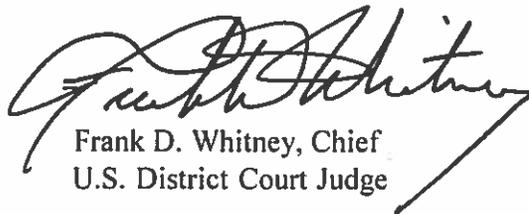
This matter is before the court on its own motion to establish uniform policy regarding lap top computers; cell phones; pagers; personal digital assistants (PDA) or other electronic devices being brought into all federal courthouses in the Western District of North Carolina in conjunction with Local Civil Rule 83.3.

Members of the general public may NOT bring any electronic devices into the courthouses but may secure such devices in the storage lock boxes provided in the lobby of each courthouse for that purpose. All such items must first be screened by the United States Marshal Service or a Court Security Officer.

Anyone not allowing their electronic devices to be screened shall not be allowed to bring such device into the building.

The Clerk shall provide the United States Marshal and all Court Security Officers with a copy of this Order.

SO ORDERED on behalf of the entire Court this        day of December, 2017.

  
Frank D. Whitney, Chief  
U.S. District Court Judge

## Advisory Committee Notes

*This new Rule is modeled on the United States Supreme Court's attorney discipline rule, but certain arcane language in the Supreme Court rule was modified and procedural protections were explained in greater depth. Violations of Court orders and rules are covered in Section (b). For the rare case where attorney discipline becomes an issue, the new Rule is intended to provide a skeletal procedure that is compliant with Due Process and efficient administration of justice.*

### **LCvR 83.3 USE OF ELECTRONIC DEVICES AND CAMERAS IN THE COURTHOUSE**

#### **(a) *Broadcasts, Photography, and Use of Cameras during Court Proceedings.***

**(1) *Photography and Electronic Recording Prohibited.*** The taking of still or moving photographs and/or the audio recording of any Court proceedings in the courtroom or in the corridors immediately adjacent thereto, during the progress of judicial proceedings or during any recess, is prohibited. Such prohibition includes, but is not limited to, the transmittal or sound recording of such proceedings for broadcast by radio, television, internet, and social or any other media.

**(2) *Exceptions for Ceremonial and Educational Proceedings.*** Ceremonial proceedings, such as administration of oaths of office, presentation of portraits, investitures, and similar occasions, may be photographed, broadcast, or televised from the courtroom with the permission and under the supervision of the Court. Seminars conducted in the courtroom, such as Continuing Legal Education seminars, may also be recorded and broadcast by the program sponsor under the Court's supervision.

**(3) *Naturalization Proceedings.*** During Naturalization Proceedings, participants, spectators, and the media may bring cameras and cell phone cameras into the

courthouse and use such devices during the ceremonies. Such devices are, however, subject to screening by a United States Marshal or Court Security Officer.

**(b) *Cell Phones, Computers, and Other Electronic Devices.***

**(1) *Persons Permitted to Bring Electronic Devices Into the Courthouse.*** The following persons may bring computers, cell phones, and similar electronic devices (hereinafter “devices”) into the courthouse after such devices have been screened by the United States Marshal Service or a Court Security Officer: (1) attorneys; (2) paralegals; (3) federal employees; (4) law firm staff when accompanied by an attorney; (5) state, county, or tribal law enforcement or emergency services personnel on official business; (6) jurors who have been selected to serve on a jury; (7) invited guests of the Court for ceremonial proceedings; and (8) service and delivery personnel. Where a *pro se* litigant needs to use a personal device during Court proceedings, the litigant should contact the Clerk of Court in advance of that proceeding to secure permission from the Court.

**(2) *Prohibited Use.*** Unless otherwise permitted by this Rule, all devices must be powered off in the courtroom. No device shall be used to record Court proceedings under any circumstances. Use of such devices for voice or video communication from the courtroom or from the corridors near courtrooms is prohibited. Use of devices for purposes of streaming of audio and/or video and for gaming is also prohibited. Improper use may be treated as a contempt of Court.

**(3) *Permitted Use.*** Where a permitted device has been brought into the courthouse by a permitted person, a device may be used in conjunction with a proceeding, in preparation for an upcoming proceeding, and to work on other matters while waiting for upcoming

proceedings. Use of devices to communicate by e-mail, texting, and instant messaging is permitted if the use is not disruptive.

#### **Advisory Committee Notes**

*This new Rule, drafted by the Local Rules Courtroom Technology Subcommittee, generally prohibits disruptive or unlawful uses of electronic devices while allowing authorized persons to work on their devices in a non-disruptive manner while awaiting upcoming proceedings.*

FILED  
CHARLOTTE, N. C.

NOV 22 2005

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
U. S. DISTRICT COURT  
W. DIST. OF N. C.

MISC. NO. 3:05MC344 - C

**In Re: Electronic Devices in Courthouses**

This matter is before the court on its own motion to establish uniform policy regarding lap top computers; cell phones; pagers; personal digital assistants (PDA) or other electronic devices being brought into the federal courthouses in the Western District of North Carolina.

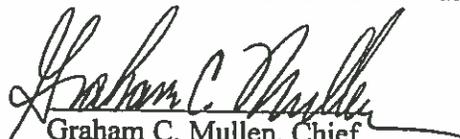
**Effective immediately**, members of the bar; paralegals or other personal assistants to members of the bar when they are accompanied by the attorney; all federal employees showing proper identification and any employee of a state or county law enforcement agency showing proper identification **ARE PERMITTED TO BRING THEIR ABOVE MENTIONED ELECTRONIC DEVICES INTO THE COURTHOUSE AFTER SUCH DEVICES HAVE BEEN SCREENED** by the United States Marshal Service or a Court Security Officer. All such devices **MUST BE TURNED OFF** while counsel are in the courtroom or counsel are in the vicinity of a court which is in session. Any individual violating this Order is subject to contempt and the electronic device is subject to confiscation by the Court.

Members of the general public may NOT bring any electronic devices into the courthouses but may secure such devices in the storage lock boxes provided in the lobby of each courthouse for that purpose. All such items must first be screened by the United States Marshal Service or a Court Security Officer.

Anyone not allowing their electronic devices to be screened shall not be allowed to bring such device into the building.

The Clerk shall provide the United States Marshal and all Court Security Officers with a copy of this Order.

**SO ORDERED** on behalf of the entire Court this 21<sup>st</sup> day of November, 2005.

  
Graham C. Mullen, Chief  
U.S. District Court Judge