



Michigan Supreme Court

State Court Administrative Office

Trial Court Services Division

Michigan Hall of Justice

P.O. Box 30048

Lansing, Michigan 48909

Phone (517) 373-4835

Steven D. Capps
Director

MEMORANDUM

DATE: December 17, 2009

TO: Chief Judges
Court Administrators

FROM: Jill Booth, Management Analyst
Jim Inloes, Management Analyst
Jennifer Warner, Management Analyst

RE: Amendment of MCR 8.115 Courtroom Decorum; Policy Regarding Use of Cell Phones or Other Portable Electronic Communication Devices

Effective September 1, 2009, chief judges of trial courts may establish a policy regarding the use of cell phones or other portable electronic communication devices within the court. The key provisions in this rule amendment are:

- No photographs may be taken of any jurors or witnesses.
- No photographs may be taken inside any courtroom without permission of the court.
- The policy regarding the use of cell phones or other portable electronic communication devices shall be posted in a conspicuous location outside and inside each courtroom.
- Failure to comply with this section or with the policy established by the chief judge may result in a fine, including confiscation of the device, incarceration, or both, for contempt of court.

In order to assist courts that wish to establish such a policy, and after reviewing established policies from various trial courts in the state we have created a sample policy. The sample policy is attached.

Sample Policy

COURT LETTERHEAD

Pursuant to MCR 8.115 (C), this policy governs the use of electronic communication devices in the (name of Circuit, District, or Probate Court). Electronic communication devices include cell phones, pagers, two way portable radios, lap top computers, and any other electronic device that possesses the capability of communicating information from one person to another.

1. Electronic communication devices must be turned off or set to silent mode prior to entering a courtroom.
2. (Option 1) No electronic communication devices may be used in any courtroom, unless authorization is given by the chief judge or the judge assigned to that courtroom.

(Option 2) Electronic communication devices may be used in any courtroom provided they are set to silent mode.

3. Jurors are not permitted to use electronic communication devices while in attendance at trial or during deliberation. (See MCR 2.516[H][2])
4. No photographs may be taken of any jurors or witnesses.
5. No photographs may be taken inside any courtroom without permission of the court.
6. Failure to comply with this policy may result in a fine, including confiscation of the device, incarceration, or both for contempt of court.