

**From:** [dave\\_wolf@comcast.net](mailto:dave_wolf@comcast.net)  
**To:** [ADMcomment](#)  
**Subject:** Proposed Change to Michigan Court Rule 8.115  
**Date:** Tuesday, May 21, 2019 1:35:07 PM

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To whom it may concern,

By way of introduction, I am a retired police lieutenant and I have been an investigator and researcher for a law firm in Bloomfield Hills, Michigan for the past 21 years. I have also served on the Citizens Alliance for the Oakland County Oakland County Probate and Circuit Courts for 26 years. In my current position as an investigator and researcher, as well as serving with the Citizens Alliance, I have spent a great deal of time at the Oakland County Circuit Courthouse, as well as many other courthouses around the State of Michigan.

I would like to offer my own observations in support of the proposed changes affecting Court Rule 8.115.

First, I absolutely understand and respect the need to bar photography in courtrooms, absent permission from the Court. The need to protect identities and privacy of witnesses, confidential informants, undercover officers, jurors, jury pools, etc., is critical to the proper administration of justice. But this should come down to regulating behavior rather than whether or not someone can be in possession of a cellphone that also incorporates a camera or audio recording.

For years I struggled to find and carry a smartphone that did NOT have a camera, just so that I could efficiently access my office and our electronic files while doing my work at the courthouses. Sadly, a number of years ago, it became impossible to get a smartphone that did not have a camera. This created a significant handicap, forcing me to leave my phone in my car and requiring me to exit the courthouse (rain or shine) to make a call or check some information critical to what I was handling, and then re-enter the courthouse through its TSA-esque security process. This certainly did nothing to advance the public's need for access to public records housed in the courthouse. (Note that most of my work has nothing to do with being in a courtroom, but involves reviewing public records at the offices of the Register of Deeds, Treasurer, Tract Index, and the Circuit Court and Probate Court Clerks, which are located within those courthouses.)

Many people transacting business in courthouses – whether professionals or private citizens – have a need to communicate with others outside of the courthouse or to have access to records or information that they can't readily bring with them. Thus, the no-cellphone/camera-phone-possession rules imposed by some (but not all) courts has a negative impact on many people who need to interact with government offices located within courthouses. This is exceptionally burdensome for those among us who can least afford the advantages that even minimal wealth provides.

It has not been uncommon to see persons come to the courthouse to transact business, arriving by bus, Uber, taxi, or being dropped off, only to be told that they cannot enter the courthouse with their cellphone. Not only would they be deprived of the use of their connection to outside resources – whether for necessary advice or information – they would also be in limbo: with no vehicle, there

is no ability to even return to the parking lot and leave their phone in a car. They are essentially marooned outside of the court. It's a sad quandary that I have witnessed many people face over the years. I have occasionally seen these folks try to hide their phones in bushes or planters or behind trash cans near the building, in the hope that they would still be there when they returned.

Many people who are required to appear at the court – whether as a plaintiff or defendant, under subpoena, prospective jurors, etc. – are caught in the trap of having a phone that cannot be brought in, but then have no place to secure it. Again, those of us who can afford to drive to the court are fortunate. Those of us who cannot afford to drive a car (much less retain counsel to appear on our behalf) are the ones who are unfairly disadvantaged by rules imposed by some courts.

The fact that only **some** courts impose the restrictions further confuses the issue. Granted, most people don't regularly visit various courthouses around the state, however being surprised by an unexpected or different cellphone rule at any courthouse would be a significant problem. A standardized rule across the state would help to resolve the issue.

All of our lives are becoming more and more data-centric. Interacting efficiently with courts and public offices requires ever greater real-time access to information. The courts belong to all of us and public information should be easily accessible to all – not just to the privileged.

I applaud the proposed changes, as described in the Oakland Press on May 20<sup>th</sup>, which would be a giant stride toward bring access to our judicial system into the 21<sup>st</sup> century.

Thank you for your consideration of this important issue.

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