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July 1, 2019

Clerk, Michigan Supreme Court
P.O. Box 30052
Lansing, MI 48909

Re: Comments on ADM File No. 2018-30 – Proposed Amendment of MCR 8.115

Dear Supreme Court Clerk,

I am a member of the private bar. I practice labor law, representing both unions and workers. I support the proposed amendment of MCR 8.115.

Courthouse cell phone bans disproportionately impact low-income litigants. Restrictions on the use/possession of cellphones in courthouses create additional barriers for individuals who already enter the justice system at a disadvantage. These bans are seldom applied to litigants equally. Attorneys, court/peace officers (appearing as litigants) are frequently permitted to bring and use their phones in courthouses. Litigants, that can afford attorneys, give their lawyers their phones for safekeeping, and use (once they have passed security). I have seen courts allow represented parties to produce documentary evidence via electronic device, while at the same time prohibiting *pro se* litigants from doing the same.

Pro se litigants use their devices to document information relevant to their cases, as well as to store crucial evidence they hope to present. For *pro se* litigants cell phones frequently store *highly relevant* information including proof of contract, fault, and injury. Because they cannot bring their cellphones into some courthouses, low-income litigants oftentimes cannot present crucial evidence that, if presented in another medium, would be permitted. The reality is that low-income litigants cannot afford to present evidence in another medium.

For all litigants, cell phones are an important tool used to organize transportation, childcare, and work schedules. For survivors of domestic violence, a cell phone can provide physical and emotional security. I have seen *pro se* litigants bury their cellphones and hide them in trees after being turned away from courthouses. I have seen *pro se* litigants lose their jobs because they were unable to tell their employer that they were held-up in court proceedings. I have driven *pro se* litigants home in sub-zero weather, because they could not call a family member to pick them up.


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I understand that these bans are intended to preserve the integrity of the justice system, but in execution they do the exact opposite.

Sincerely,

MCKNIGHT, CANZANO, SMITH
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Benjamin L. King