

Michigan Judges Association

Founded 1927

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July 9, 2019

Larry Royster
Clerk of the Court
Michigan Supreme Court
P.O. Box 30052
Lansing, MI 48909

Re: ADM File No. 2018-30
Proposed policy on the use of portable electronic devices in the courtroom

Dear Clerk Royster:

At the June 18, 2019 meeting of the Michigan Judges Association, the Executive Committee considered and acted upon the ADM No. 2018-30.

The Michigan Judges Association voted to support in concept the creation of a statewide policy on the use of portable electronic devices (PED) in the courtroom. MJA voted to support the efforts behind the proposal to provide equal access to justice, but determined there is a need to give careful consideration to the impact on witnesses, victims and jurors. There are unique concerns and unintended consequences for trial courts. Trial courts are busy venues, often with multiple cases scheduled at the same time. Evidentiary hearings and trials require the trial judge to be completely engaged with the case that is called. Many trial courts do not have support staff, bailiffs or police in the courtroom. Some of the concerns raised are:

- Recording of jurors
- Disruptive noises from cell phones during witness testimony
- Third party communication to sequestered witnesses
- Inability to monitor disallowed behavior
- Disruption of court proceedings to address disallowed behavior

MJA recommends that the proposal be amended as follows: Members of the public should not be allowed to have PEDs in the courtroom. Self-represented litigants, litigants and attorneys may have PEDs in the courtroom but only if powered off. If those persons wish to use a PED, they must request to use the device

which the court should allow if for a proper purpose, such as legal research or the presentation of evidence.

Thank you for the opportunity to comment on this proposed rule.

Sincerely,

Honorable Pam Lightvoet, President
Michigan Judges Association

CC: Honorable Bridget McCormack, Chief Justice, Michigan Supreme Court