



# Southeast Michigan Court Administrator's Association

August 29, 2019

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

Re: ADM File No. 2018-30

I am writing on behalf of the Southeast Michigan Court Administrators Association (SEMCAA) to strongly **oppose** the proposed amendment to MCR 8.115, which if adopted, would remove the ability of individual courts to prohibit "portable electronic devices". In May, I shared the proposed amendment with court administrators throughout the Detroit metropolitan area asking their court's position on the amendment. Every one of the 28 courts that replied opposed the proposed amendment. We believe adopting the new language would have a negative effect on court operations and security.

It will be virtually impossible to enforce compliance with the prohibitions outlined in the amendment. Courthouses presently have all manner of signage, in bold red and black lettering in large fonts with pictures saying, "no cell phone/electronics permitted". In spite of this, every single day countless people enter the courthouse that either do not read the signage or purposely ignore it. The notion that people will take the time to read the prohibitions of this amendment posted in a display case is fantasy. Court decorum will suffer, because it is inevitable that phones will go off, there will be the tap tap tapping of people texting, the vibrating noise of texts being received and trying to take covert photographs or recordings. When confronted, they will rightly claim ignorance of the prohibitions because they did not read the policy. Court officers will get diverted from their primary duty of security to deal with electronics violators. If they attempt to confiscate a cell phone or electronic device, there will be instances of confrontation. All of this will contribute to disrupting the decorum and flow of court proceedings.

The court must take care to protect jurors and witnesses' rights to privacy. A person taking a picture of a witness or victim in a hallway could have a chilling effect on getting them to come forward. It too can, and will on occasion, lead to confrontation and possible violence. This is another strain on court security staff. This assumes the court even has a reasonable court security staff, which many courts do not.

We understand the desire to make court documents more accessible to the public in this mobile media age. In the not too distant future, the judiciary will be integrating electronic filing throughout the state. Once electronic filing and record keeping is more widely used, the public will be able to access documents from their living room. Until then, permitting people use their cell phone or tablet to take pictures of court documents places an unreasonable burden on court staff and could compromise sensitive personal information. The convenience of the general public should not come before the safe, efficient and proper administration of judicial operations.

The risks to adopting these rule changes massively outweigh the potential benefits, and we implore you to take a more in-depth look at the reasons for why most of the courts in our state have cell phone bans in place.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gary W. Dodge". The signature is fluid and cursive, with a large, stylized initial "G" and "D".

Gary W. Dodge  
Court Administrator  
44<sup>th</sup> District Court

President, Southeast Michigan Court Administrators' Association