

ELECTRONIC DEVICES IN A COURTHOUSE

The use of cell phones, laptop computers, pagers and other personal communication devices have, for many attorneys, litigants and other users of the court, become an important part of their work and personal lives. Appropriate use at the courthouse will allow persons to access information for presentation to the court; it will allow persons to transact other business while waiting for their hearing. Inappropriate use can cause a distraction and demean the atmosphere of the courtroom.

Pursuant to the Vermont Constitution, Chapter II, § 30, the Supreme Court establishes this policy for electronic devices in a courthouse, effective January 2, 2009.

All cell phones, pagers, computers and similar electronic devices are authorized to be brought into a courthouse. A weapon screening officer will verify that the device is in fact an operating device and not a weapon. These devices may be operated in public areas of the building.

Each person with a cell phone, pager, computer and other devices shall ensure that the cell phone or device is placed on silent mode before entering a courtroom. Cell phones or devices may be used in a courtroom for purposes other than oral communication (e.g. text messaging) unless the presiding judge has prohibited such use for good cause in a particular instance.

In addition, those cell phones or devices that contain a camera or video camera shall be used only in accordance with the rules on Recording Court Proceedings, V.R.C.P. 79.2 and V.R.Cr.P. 53.

Any person that fails to comply with the proper use of cell phones, pagers, computers and other electronic devices may have the item confiscated and returned to them when they exit the building.

Jurors actually selected to serve on a jury are authorized to bring their cell phones, pagers, computers or other communications devices into the courthouse and jury room unless the presiding judge has prohibited such use for good cause in a particular instance. Jurors may not use any such devices in the courtroom or during deliberations.

A notice shall be posted on the outside of the courtroom doors reminding the public to place all electronic devices on silent mode prior to entering the courtroom. This notice should also include that the devices may be confiscated if used in the courtroom.

Done in Chambers at Montpelier, Vermont this 12th day of November, 2008.

Paul L. Reiber, Chief Justice

John A. Dooley, Associate Justice

Denise R. Johnson, Associate Justice

Marilyn S. Skoglund, Associate Justice

Brian L. Burgess, Associate Justice