

The rules on cell phones and computers in state courts have changed...

On January 8, 2020, the Michigan Supreme Court adopted amendments to the court rules that explicitly allow the public to bring cell phones into courthouses and courtrooms. Beginning May 1, 2020, all state courts must allow the public to use a cell phone or other personal electronic device in a courtroom or courthouse to:

- retrieve or store information, access the internet, and send/receive text messages as long as the user is silent; and,
- reproduce court documents as long as it leaves no marks and does not unreasonably interfere with the operation of the clerk's office.

So, what does this mean to the media?

The release of the rules made it clear that the changes do not impact the original 1989 rule on the ability of the media to record proceedings with the permission of a judge or its 2012 update. It does, however, provide media with the opportunity to more easily and affordably review court records and obtain digital copies by taking a picture with a phone or tablet. That particular use, unsurprisingly, was opposed by many court clerks as it could potentially reduce revenues generated by copying fees. Despite this and other objections, Chief Justice Bridget Mary McCormack made it clear that the goal of the reform was to "make sure the doors to our courts are open to all."

Are there any other limitations?

In addition to the limitations established in the rule on electronic media coverage, the Michigan courts News Release pointed out several limitations to the general public using their personal devices in a courthouse. All phones and devices must be used in silent mode and devices cannot be used to:

- make or receive calls while court is in session;
- communicate with any courtroom participant;
- photograph or record any juror or potential juror;
- record court proceedings without the permission of the judge; and
- Record or photograph people in the courthouse without their consent.