

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
VERMILION COUNTY, ILLINOIS**

**ADMINISTRATIVE ORDER NO. 2022-1
GOVERNING THE USE OF PORTABLE ELECTRONIC DEVICES
IN THE RITA B. GARMAN VERMILION COUNTY COURTHOUSE**

The Circuit Court for Vermilion County in the Fifth Judicial Circuit of Illinois, pursuant to the Illinois Supreme Court Policy adopted January 6, 2022, adopts the following Administrative Order governing the use of Portable Electronic Devices in the Rita B. Garman Vermilion County Courthouse [the Courthouse]:

WHEREAS, the Illinois Supreme Court has found that the use of portable electronic devices in society has become essential, and many users see these devices as an invaluable, if not necessary, incident to their personal and business lives. People rely on these devices for communication, organization, data storage, and ensuring personal security. This court, following the direction of the Illinois Supreme Court, has adopted policies and procedures designed to move toward “paperless” courtrooms, in which the judiciary, the Circuit Clerk, and court personnel use portable electronic devices to access electronic rather than traditional paper filing systems. Appropriate use of portable electronic devices within the Courthouse will allow attorneys, parties, self-represented litigants, witnesses, and court personnel to access information for presentation to the court, and allow people to transact other necessary court-related and personal business. Inappropriate use of portable electronic devices may be a danger, cause distractions, and demean the order and processes of the court. This Administrative Order is intended to implement consistent requirements, prohibitions, restrictions, and procedures upon the possession and use of portable electronic devices in the Courthouse respecting and balancing the interests and needs of all who enter the Courthouse;

WHEREAS, the Illinois Supreme Court has found that policies barring portable electronic devices from courthouses prevent self-represented litigants or other court patrons from effectively presenting evidence in their cases, successfully accessing court resources, including language translation and hearing-impaired mobile applications, legal research, and other information, and communicating with others while in courthouses. By authorizing the possession and use of portable electronic devices in the Courthouse for evidentiary and other legitimate purposes, this Administrative Order is intended to improve access to justice and judicial efficiency by establishing known and consistent processes and procedures. Moreover, without portable electronic devices, court users may be prevented from seeking assistance, particularly if they rely on such devices to assist with a disability or language translation;

WHEREAS, without portable electronic devices, Courthouse patrons may be without means to communicate with their family, employers, or friends while in the Courthouse and, therefore, unable to seek assistance, coordinate transportation, or inform their employers of being in court. As a result, they may lose time from work or fail to meet family responsibilities;

WHEREAS, it is important for all patrons of the court and court facilities to know whether they may bring portable electronic devices into the Courthouse, and whether they may use them in courtrooms in appropriate circumstances. When court users and members of the public carrying portable electronic devices are denied entry to the Courthouse without reasonable prior notice that their devices are not permitted in the Courthouse or a courtroom, they may experience inconvenience and distress. This is especially problematic for people who use public transportation, who sometimes must store their portable electronic device in unsecured locations, risking the loss of the device and the information that the device contains. This Administrative Order is intended to recognize that notice of the court's policies regarding the possession and use of portable electronic devices must be accessible and effective;

WHEREAS, the Illinois Supreme Court has found that the misuse of portable electronic devices in courthouses present legitimate security concerns. Weapons may be disguised as portable electronic devices. Misuses of such devices include the unauthorized creation of photographs, video, and audio recordings that may be posted on social media or in other public forums; unauthorized communication with jurors or witnesses; and threats and intimidation directed towards parties, witnesses, jurors, or others. Every person who enters the Courthouse must be protected from such dangers and behaviors. Additionally, the misuse of portable electronic devices may cause either intentional or unintentional disruptions to the order and processes of the court. This Administrative Order is intended to recognize the need to maintain security, safety, and order in the Courthouse, while balancing the need for access; and

WHEREAS, after considering the interests of the judiciary, the patrons of the Courthouse, and the Sheriff who is responsible for court security, the judges of Vermilion County in the Fifth Judicial Circuit consider it to be in the best interests of the Circuit Court of Vermilion County to approve the following provisions applicable to the possession and use of portable electronic devices in the Courthouse, and acting through the Presiding Judge, adopt said provisions as the order of the court:

NOW, THEREFORE, IT IS ORDERED:

1. Definitions:

- a. Portable Electronic Device** is defined as a mobile device capable of electronically storing, accessing, or transmitting information. The term encompasses, among other things, a transportable computer of any size, including a tablet, notebook, and laptop; a cellular telephone, a smartphone (*e.g.*, iPhones, Android devices, and other mobile telephones that perform many of the functions of a computer), or other wireless telephone; a personal digital assistant; electronic calendars; e-book readers; devices that wirelessly connect to and pair with computers and smartphones to transmit data (including smart watches, earpieces, headphones, and fitness trackers); electronic monitoring devices; and any other similar devices that provide internet access.

b. Court Visitor means any person present at the Courthouse.

2. Application: This Administrative Order applies to the possession and use of Portable Electronic Devices by all Court Visitors. The requirements, prohibitions, restrictions, and procedures of this Administrative Order apply to the common areas and courtrooms of the Courthouse. Nothing in this Administrative Order shall be construed to affect the discretion of elected office-holders and department heads to determine how best to control the possession and use of portable electronic devices within their respective offices. However, all such decisions shall be in conformity with County Board Policies as may be amended from time-to-time.

3. Possession and Use of Portable Electronic Devices: Portable Electronic Devices are allowed in the Courthouse and may be possessed and used by all Court Visitors, subject to: (1) inspection and clearance by security personnel upon entrance to the Courthouse, including by the Courthouse screening equipment, (2) the central qualification that all uses of Portable Electronic Devices within the Courthouse must be with proper decorum and with courtesy toward other Courthouse Visitors and all court operations, and (3) the following requirements, prohibitions, restrictions, and procedures:

- a. Use in Common Areas:** All Courthouse Visitors may use Portable Electronic Devices in the common areas of the Courthouse, such as lobbies and hallways, for purposes of email, telephone, text-messaging, browsing, or the transmission of wireless data. Further restrictions, not inconsistent with this Administrative Order, including restricting mobile telephone conversations to designated areas, may be imposed by the Sheriff as needed to maintain safety, security, proper behavior, order, and the administration of justice. At all times while within the Courthouse, Portable Electronic Devices must be placed and remain in a silent mode so that all ring tones and other sounds produced by such devices are disabled or silenced.
- b. Prohibited Uses in Common Areas and Courtrooms:** No Court Visitor may use a Portable Electronic Device to communicate or attempt to communicate with any potential juror or juror at any time. No Court Visitor may use a Portable Electronic Device to harass, intimidate, or communicate about given testimony with any witness at any time.
- c. Use in Courtrooms:** Except only as expressly permitted by the provisions of this subparagraph, all Portable Electronic Devices must be turned or powered off by all Court Visitors before entering a courtroom.
 - i.** Case participants, including attorneys and their staff, parties (including self-represented litigants), court personnel, and witnesses reporting pursuant to subpoena or notice may use a Portable Electronic Device inside any courtroom to check e-mail and calendars; perform case-related legal research; retrieve or

store information; access data, applications, or files; present case-related information; or otherwise as approved by the judge presiding in the courtroom, provided the device emits no sound while in use, the use is respectful of others and is not audibly or visually distracting to others, does not disturb the court proceedings (*e.g.* by making a clicking sound on a keyboard or other audible tone), and the device is operated by the user's own power source unless first authorized by the judge presiding. All other uses of Portable Electronic Devices inside courtrooms may be prohibited by the judge presiding. At all times while within a courtroom, Portable Electronic Devices must be placed and remain in a silent mode so that all ring tones and other sounds produced by such devices are disabled or silenced.

- ii. Attorneys, their staff, parties, and self-represented litigants seated in the gallery while awaiting upcoming hearings may utilize Portable Electronic Devices for approved purposes (*i.e.* to check email or calendars; perform case-related legal research; retrieve or store information; access data or files; or otherwise as approved by the judge presiding), provided the devices emit no sound while in use, the use is respectful of others and is not audibly or visually distracting to others, does not disturb the court proceedings (*e.g.* by making a clicking sound on a keyboard or other audible tone), and the devices are operated by the users' own power sources unless first authorized by the judge presiding.
 - iii. No Portable Electronic Device brought into a courtroom may be used for posting on social media websites or to originate or receive telephone calls inside the courtroom unless first authorized by the judge presiding.
 - iv. Attorneys and their staff, parties, self-represented litigants, court personnel, and witnesses may access available public Wi-Fi connections, if any, provided by the court, all subject to any applicable policy requirements, prohibitions, restrictions, and procedures.
 - v. Except as otherwise authorized by this Administrative Order, photography, video recording, audio recording, or video transmission or communication of any information using any form of media from inside a courtroom is prohibited without prior written authorization of the Presiding Judge and the judge presiding in the courtroom.
- d. **Use in Courtrooms and Jury Rooms by Jurors:** Unless the judge presiding in the courtroom has prohibited such possession or use for good cause in a particular case, jurors reporting pursuant to summons are authorized to bring Portable Electronic Devices into any jury assembly, courtroom, and jury deliberation room, subject to: (1)

inspection and clearance by security personnel upon entrance to the Courthouse, and (2) the following requirements, prohibitions, restrictions, and procedures:

- i. Jurors may not use Portable Electronic Devices in a courtroom and all such devices must be turned or powered off in courtrooms.
- ii. Jurors may not possess, nor use Portable Electronic Devices during deliberations. All such devices must be turned or powered off and shall be secured by the trial bailiffs during deliberations.
- iii. Until their jury term has ended, jurors may not post on any social media, or otherwise publicize any information about their jury status which may affect their ability to serve. Until their jury term has ended, jurors may not use Portable Electronic Devices to read news accounts of the trial, conduct an independent investigation or research on any subject or person related to the case, ask legal questions of anyone, discuss the case with anyone, or express their views or experiences of serving as a juror online via any social media means or text messaging.
- iv. Grand jurors are authorized to bring Portable Electronic Devices into the Courthouse or other grand jury facility, subject to inspection and clearance by security personnel upon entrance to the facility, but may not use such devices in the grand jury room for any purpose while the grand jury is in session. All such devices must be turned or powered off during grand jury sessions. Until their grand jury term has ended, grand jurors may not post on any social media, or otherwise publicize any information about their grand jury status which may affect their ability to serve. Until their grand jury term has ended, grand jurors may not use Portable Electronic Devices to read news accounts of the cases under consideration, conduct an independent investigation or research on any subject or person related to the cases, ask legal questions of anyone, discuss the cases with anyone, or express their views or experiences of serving as a grand juror online via any social media means or text messaging.

4. Confiscation of Equipment and Ejection of User:

- a. Any Court Visitor possessing or using a Portable Electronic Device in violation of the requirements, prohibitions, restrictions, and procedures of this Administrative Order, or any other local court order or policy may be removed from the Courthouse, found in contempt of court, and/or be subject to the imposition of other sanctions and penalties as allowed by law. Any Portable Electronic Device reasonably suspected to have been used in violation of the provisions of this Administrative Order or any other local court order or policy may be confiscated by the Sheriff and inspected to determine whether court proceedings have been

recorded, photographed, broadcast, or transmitted outside of a courtroom or there has been some other violation of the provisions of this Administrative Order. The Court Visitor in possession and owner of the Portable Electronic Device reasonably suspected to have been used in violation of the provisions of this Administrative Order or any other local court order or policy shall cooperate with the Sheriff in accessing the device for purposes of the inspections. Subject to any other orders of the court, any Portable Electronic Device so confiscated by the Sheriff may be held by the Sheriff until the Court Visitor in possession of the device leaves the Courthouse. The Sheriff shall not be responsible or liable for any damage to or loss of a confiscated Portable Electronic Device.

- b. By entering the Courthouse with a Portable Electronic Device, any Court Visitor possessing or using such a device will be deemed to have consented to its confiscation and inspection to determine whether there has been a violation of the provisions of this Administrative Order or any other local court order or policy, and all Court Visitors and owners of such devices shall cooperate with the Sheriff in accessing such devices for purposes of any inspection deemed necessary by the Sheriff.

5. Further Limitations and Restrictions by Judges: A judge presiding in a particular case may further restrict or prohibit the use of any Portable Electronic Device in the courtroom:

- a. To regulate media coverage of the proceeding in compliance with the Illinois Supreme Court Policy for Extended Media Coverage in the Circuit Courts of Illinois; and
- b. To protect the interests of security, safety, and privacy of parties, jurors, witnesses, attorneys, court personnel, or the public in a particular proceeding; ensure the integrity or orderly conduct of a particular proceeding; or terminate activity that is disruptive, distracting, or otherwise contrary to the administration of justice in a particular proceeding. If prohibiting or restricting or limiting the use of Portable Electronic Devices beyond the express provisions of this Administrative Order, the judge presiding shall state on the record the reason(s) that prohibition or further restriction or limitation is deemed necessary in that particular case.

6. Posting Notice of this Administrative Order: Signs with information regarding the requirements, prohibitions, restrictions, and procedures of this Administrative Order shall be posted at the Courthouse entrance, outside each courtroom, and in the Circuit Clerk's Office.

7. Cameras in the Courthouse: Except as otherwise provided herein, photography, video-recording, audio-recording, broadcasting, or transmission of court proceedings and courthouse spaces is prohibited.

- a. Portable Electronic Devices, with camera or audio or video recording functions, may be possessed in the Courthouse. But using Portable Electronic Devices to take photographs,

make audio or video recordings, or to transmit live audio or video streaming is prohibited in the Courthouse except with prior written authorization by the Presiding Judge.

- b. Other electronic devices: cameras, video cameras, video recording equipment and recording devices [other electronic devices], not classified as Portable Electronic Devices, are not allowed in the Courthouse except for use at the ceremonial events described below. The foregoing restriction notwithstanding, members of the media may photograph and audio or video-record in public areas of the Courthouse, other than courtrooms, as designated by the Sheriff.
- c. Other electronic devices may be allowed in the Courthouse with prior written authorization by the Presiding Judge as outlined in the Policy for Extended Media Coverage in the Circuit Courts of Illinois and Illinois Supreme Court Rule 44.
- d. Photography and audio or video-recording is permitted in courtrooms for investiture ceremonies, weddings, problem-solving court graduations, and other ceremonial proceedings when authorized by the Presiding Judge. Photography and audio or video-recording is permitted at a judicial or Bar Association sponsored event at the Courthouse, so long as the photographing or recording is not otherwise prohibited by law.

8. Miscellaneous.

- a. This Administrative Order shall be filed in the Office of the Clerk of the Circuit Court and made available to the public.
- b. The Clerk of the Circuit Court shall post this Administrative Order on her website.
- c. This Administrative Order shall be posted upon the court's website.

9. Effective Date: This Administrative Order is effective March 21, 2022, and the provisions of all prior administrative orders pertaining to the possession and use of Portable Electronic Devices in the Courthouse are hereby supplemented, and to the extent inconsistent herewith, superseded.

ENTERED this 22nd day of February, 2022.



Thomas M. O'Shaughnessy, Presiding Judge