VIRGINIA: IN THE LYNCHBURG GENERAL DISTRICT COURT

The Lynchburg General District Court hereby adopts the Supreme Court's Model Policy for the Use of Portable Electronic Devices in Courthouses and Courtrooms, a copy of which is attached hereto and by reference thereto is expressly incorporated herein and made a part hereof, for self-represented litigants and other court users. The adoption of this Policy shall operate to revoke and terminate any and all electronic device policies previously adopted by this Court. Exception to the Policy will be the following when in the courtroom:

1. No court proceeding shall be recorded without prior approval from the court.
2. Attorney's may **only** use their cell phone to record the proceedings of their case in front of the Judge, to review their calendar, or doing legal research.
3. Officers may **only** use their cell phone for scheduling purposes for resetting a case.
4. Public can **only** use their cell phone when presenting evidence to the Judge or when needing schedule to continue a case.

At all other times everyone must have their phones and any other electronic devices (ex: glasses, pens, smart watches, etc.) turned off when entering the courtroom. Any type of recording devices are not to be used at the service counters recording staff members. Any violations of this court order are subject to a contempt charge which could result in up to 10 days in jail and/or up to a $250.00 fine.

ENTER: 7.9.26

SAM D. EGGLESTON, III
CHIEF JUDGE

CHIEF JUSTICE
DONALD W. LEMONS

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S. BERNARD GOODWYN
WILLIAM C. MIMS
ELIZABETH A. McCLANAHAN
CLEO E. POWELL
D. ARTHUR KELSEY
STEPHEN R. McCULLOUGH

SENIOR JUSTICES
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TO: Chief Judges of All Circuit and District Courts

FROM: Chief Justice Donald W. Lemons

DATE: December 14, 2018

RE: Model Policy for the Use of Portable Electronic Devices in Courthouses and Courtrooms

At its December 5, 2018, Business Meeting, the Supreme Court approved the attached model policy for the use of portable electronic devices in courthouses and courtrooms. Whether courts adopt this particular policy or a variation thereof, it is important for courts to clearly communicate to the public their policies regarding the use of portable electronic devices in courthouses and courtrooms. When making decisions on what policy to adopt, judges and sheriffs should keep in mind the competing interests of promoting access to justice and maintaining security, safety and order in courthouses and courtrooms. The Justices have determined that this model policy provides a proper balance between those various interests, and the Court recommends this policy for consideration by the district courts and circuit courts of the Commonwealth.

Enclosure

cc: Karl R. Hade, Executive Secretary

MODEL POLICY FOR THE USE OF PORTABLE ELECTRONIC DEVICES IN COURTHOUSES AND COURTROOMS

I. Purpose of the Model Policy

The Supreme Court of Virginia recommends this Model Policy to the district courts and circuit courts of the Commonwealth of Virginia regarding the Use of Portable Electronic Devices in Courthouses and Courtrooms.

As defined in the Model Policy, portable electronic devices include personal computers, tablet computers, mobile telephones (including cell phones and any form of telephone with cameras and audio and video recording and transmission capabilities), electronic calendars, e-book readers, and "smart" watches.

The use of portable electronic devices in our society has increased dramatically, and many users see these devices as a necessary incident to their personal and working lives. People rely on these devices for purposes ranging from organizational or data storage activities to ensuring personal security. Appropriate use at the courthouse will allow people to access information for presentation to the court, and it will allow people to transact other necessary business. Inappropriate use can be a danger, cause distractions, and demean the order and processes of the court. The purpose of this Model Policy is to recommend a policy that respects the interests and needs of the people who enter the courthouses and courtrooms of the Commonwealth.

Policies barring portable electronic devices may prevent self-represented litigants or other court users from effectively presenting evidence in their cases, successfully accessing court resources or information, or communicating with others while in the courthouse. By authorizing the possession and use of portable electronic devices in courthouses for evidentiary and other legitimate purposes, the Model Policy improves access to justice and judicial efficiency by establishing known processes and procedures.

The use and possible misuse of portable electronic devices present legitimate security concerns. Weapons can be disguised as portable electronic devices. Possible misuses of portable electronic devices include the unauthorized creation of video and audio recordings that can 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 other people. Every person who enters a Virginia courthouse must be protected from such dangers and behavior. Additionally, the use and misuse of portable electronic devices can cause either intentional or unintentional disruptions in the order and processes of the courts. The

Model Policy recognizes the need to maintain security, safety, and order in the courts of the Commonwealth.

It is important for all users of the courts and court facilities to know whether they can bring portable electronic devices into courthouses, and whether they can use them in courtrooms in appropriate circumstances. When court users and members of the public carrying portable electronic devices are denied entry to a courthouse without reasonable prior notice that their devices are not permitted in the courthouse or courtroom, they may experience great inconvenience. They sometimes must store their portable electronic devices in unsecured locations, risking the loss of the devices and the information that the devices contain. The Model Policy recognizes that notice of a court's policy regarding the possession and use of portable electronic devices must be accessible and effective. The Model Policy also recognizes that any restrictions on possession or use of such devices should be accompanied by reasonable access to on-site storage for the devices.

After considering the interests of the judiciary, the users of the courthouses and courtrooms of the Commonwealth, and the sheriffs who are responsible for court security, the Supreme Court of Virginia approves and recommends the following Model Policy for consideration by the circuit courts and district courts of the Commonwealth.

II. MODEL POLICY

1. Definition of "Portable Electronic Device"

The term "Portable Electronic Device" is defined to include personal computers, tablet computers, mobile telephones (including cell phones and any form of telephone with cameras and audio and video recording and transmission capabilities), electronic calendars, e-book readers, and "smart" watches.

2. Possession and Use of Portable Electronic Devices

The following policies and procedures govern the possession and use of Portable Electronic Devices in the courthouse and in the courtroom.

A. In the Courthouse:

Portable Electronic Devices are allowed in the courthouse subject to security screening, including courthouse screening devices, and the following rules:

(1) Court visitors may use Portable Electronic Devices in the common areas of the courthouse, such as lobbies and hallways. Further restrictions, including restricting mobile telephone conversations to designated areas, may be imposed as needed to maintain safety, security, proper behavior, order, and the administration of justice. All Portable Electronic Devices must be placed in a silent mode, such as vibrate, at all times within the courthouse.

(2) Using Portable Electronic Devices to take photographs, make audio or video recordings, or to transmit live audio or video streaming is prohibited except with prior written authorization by a judge of the Circuit or District Court.

(3) 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 events such as investitures ceremonies and weddings. Other electronic devices may be allowed in the courthouse with prior written authorization by a judge of the Circuit or District Court.

B. In the Courtroom:

Portable Electronic Devices shall not be brought into or used in the courtroom without authorization from the presiding judge. A presiding judge may authorize the possession and use of Portable Electronic Devices in the courtroom and may impose restrictions on such possession and use. If the possession of Portable Electronic Devices in the courtroom is authorized, they must remain silent at all times. They shall only be used for the purposes and in the manner authorized by the presiding judge. Photography, video recording, audio recording, or video transmission or communication of any information using any media from inside the courtroom is prohibited without prior written authorization of the presiding judge.

C. Confiscation of Equipment and Ejection of User:

Any person using a Portable Electronic Device in violation of this or any other court order or policy may be removed from the courthouse, found in contempt of court, and subject to penalties as provided by law. Any Portable Electronic Device used in violation of this or any other court order or policy may be confiscated, and the Sheriff shall not be responsible or liable for any damage to or loss of a confiscated device.

D. Further Limitations by Judges:

A judge may further limit or ban the possession or use of any Portable Electronic Device:

(1) pursuant to Virginia Code § 19.2-266 (to regulate media coverage of judicial proceedings); (2) if possession or use of the Portable Electronic Device may or does interfere with the administration of justice or cause any threat to safety or security; or (3) for any other reason.

3. Posting Notice of this Policy

The policy of each court regarding the possession and use of Portable Electronic Devices shall be posted on the court's home page on the Virginia Judicial System website; on the court's local website (if any); at the courthouse entrance; and, in the Clerk's Office.

4. Storage of Portable Electronic Devices.

If the possession of Portable Electronic Devices in the courtroom is prohibited or restricted, then storage for the devices shall be provided at the security entrance to the courthouse for anyone who is not allowed to bring their devices into the courtroom. Storage locker units are recommended as the means for storing the devices. Other forms of on-site storage may be provided. Storage of devices may be limited to persons who represent to security personnel that they have no other means of storage available to them, such as a vehicle parked on or near the courthouse premises.