

UNITED STATES DISTRICT COURT • SOUTHERN DISTRICT OF FLORIDA

To: Members of the News Media

From: Steven M. Larimore, Court Administrator • Clerk of Court

Date: March 24, 2009 (Updated May 10, 2016)

Subject: **Authorization to Bring in Electronic Equipment Pursuant to Administrative Order 2009-12**

Administrative Order 2009-12, signed by Chief Judge Federico A. Moreno on March 23, 2009, amends Administrative Orders 2006-16 and 2008-07 to allow news reporters to bring into federal courthouses cellular phones, Blackberries, iPhones, Palm Pilots, and any other similar electronic personal digital assistants (hereafter collectively, "PDA," which does *not* include laptops). News reporters must agree in writing to abide by the terms set forth in those Administrative Orders. By signing below, you are specifically:

- acknowledging receipt of copies of Administrative Orders 2009-12, 2008-07, and 2006-16;
- agreeing to comply with Administrative Orders 2009-12, 2008-07, and 2006-16, in all respects, including but not limited to agreeing to not email, text message, twitter, type, or use cellular phones or other PDA electronic devices **inside** the District's courtrooms; and
- acknowledge that these Administrative Orders prohibit photography, recording, capturing, or streaming of any video or audio **from any location** within the courthouses, including but not limited to capturing video or audio of court proceedings in any way.

Upon submission, your request will be submitted for approval by the presiding Judge, and if approved, your name will be transmitted to the U.S. Marshals Service for entry with approved PDA devices.

Please contact Cathy Babyak at (305) 523-5001 if you have any questions or need additional information. Thank you.

Reporter's Name (please print)

Date

Reporter's Signature

Agency

E-mail address

Contact phone number

Case # of the case you wish to attend **(Note: A separate form must be completed for each case).**

Approximate dates of the hearings/trials you will be attending

Internal Use Only

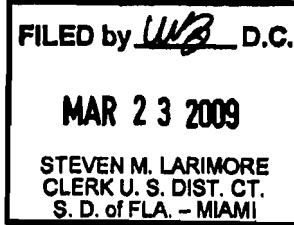
Access approved for the following dates: _____

Judge's Name: _____

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2009-12

**IN RE: PROHIBITION ON ELECTRONIC
TRANSMISSIONS AND CELLULAR PHONE
USE INSIDE COURTROOMS**



In view of the Judicial Conference of the United States's policy and the prohibitions contained in Federal Rule of Criminal Procedure 53 and Southern District of Florida Local Rule 77.1 against live broadcasting from inside courtrooms, this Order amends Administrative Orders 2006-16 and 2008-07 to prohibit text messaging, emailing, twittering, typing, and any cellular phone use from inside courtrooms. These actions by persons inside the courtroom violate the sanctity of the courtroom and disrupt ongoing judicial proceedings.

The Court, however, must balance the interests of preserving the conduct of judicial proceedings against the public's right to know what happens inside courtrooms. Accordingly, it is

ADJUDGED that emailing, text messaging, twittering, typing, and using cellular phones shall continue to be prohibited inside the District's courtrooms. It is also

ADJUDGED that to balance the interest in preserving the sanctity and conduct of judicial proceedings against the public's right to know what occurs inside the District's courtrooms, this Order amends Administrative Orders 2006-16 and 2008-07 to allow news reporters to bring cellular phones, Blackberries, iPhones, Palm Pilots, and other similar electronic personal digital assistants (PDAs) into the courthouse consistent with what is permitted of attorneys, as long as the news reporters agree in writing not to email, text message, twitter, type, or use their cellular phones or other electronic device inside the District's courtrooms. A violation of the agreement will result in

contempt of court. The Clerk of Court shall keep the list of reporters who have signed such agreement and make that list available to Court security personnel assigned to each courthouse. The Clerk of Court shall also make space available in each courthouse for those listed reporters to use their cellular phones and other electronic devices outside of the courtrooms. Of course, District and Magistrate Judges retain the discretion to maintain order in their courtrooms, which includes the right to lock their courtrooms should the entry and exit of news reporters become disruptive in a particular proceeding.

DONE and ORDERED in Chambers at Miami, Florida this 23rd day of March, 2009.


FEDERICO A. MORENO
CHIEF UNITED STATES DISTRICT JUDGE

Copies furnished to:

All Southern District and Magistrate Judges
Steven M. Larimore, Clerk of Court
Christina Pharo, U.S. Marshal
Alex Acosta, United States Attorney
Kathy Williams, Federal Public Defender
Reginald D. Michael, Chief Probation Officer
Edward Sieber, Case Assignment Administrator
Library

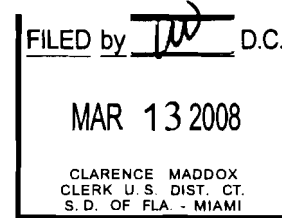
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2008-07

In re:

Cellular Phone and Electronic Equipment Usage
in the Courthouse

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ORDER REGARDING USAGE OF CELLULAR PHONES IN THE COURTHOUSE

On July 31, 2006, former Chief Judge William I. Zloch issued Administrative Order 2006-16, which superseded Administrative Order 2003-92. The 2006-16 Order shall be amended as follows:

Paragraph I.F. shall be deleted and replaced with the following language.

F. Prospective jurors and seated jurors and witnesses with subpoenas shall be permitted to bring into the Federal Courthouses their cellular phones - with or without their integrated cameras.

The clear intent of this order is to expand the list of individuals permitted to bring cellular telephones into the courthouse. In the past, only judges were permitted to bring cellular telephones into the courthouse. Subsequently, members of the Bar, Assistant United States Attorneys, Federal Public Defenders, courthouse employees, and Special Agents of the Federal Government were added to the list of those permitted to bring their cellular telephones into the courthouse. Jurors as "judges of the facts," to whom we entrust to decide the most important decisions in the courthouse should likewise be included in the list of permitted cellular telephone carriers. Witnesses, with proper

identification and a copy of a subpoena that requires their presence in the courthouse, should also be on that list.

Permitting jurors and witnesses to bring in their cellular telephones is consistent with the efficient administration of judicial proceedings. Judges may need to contact jurors quickly during long recesses. Attorneys may need to contact witnesses on short notice. Because the United States Marshal will continue to inspect all cellular telephones as they are brought into the federal courthouse, the Bench, the Bar, and public will continue to be protected from harm. This proper balance between security and convenience has been reached for those who are involuntarily summoned (jurors and witnesses) into the courthouse.

In today's modern world, security concerns are paramount. Yet these security concerns are satisfied by airlines, the White House, and the majority of courthouses in the United States where cellular telephones are permitted. Expanding the list to include these individuals will not diminish the security provided to the occupants of the courthouse, while at the same time enhance the availability of jurors and witnesses to participate in our court proceedings.

All other provisions of the prior Order 2006-16 shall remain in effect, including the prohibition of the use of cellular phones in a courtroom or jury deliberations room, or the use of any recording device or camera in the courthouse. Violators shall continue to be subject to the contempt order issued by former Chief Judge William J. Zloch in Administrative Order 2006-16.

Any District Judge can, of course, modify this order as it relates to the possession of cellular telephones within the courtroom over which that judge is presiding. Any modification, however, should consider the fact that a uniform rule assists the Deputy United States Marshals and the Court

Security Officers in enforcing the rules and protecting us.

DONE AND ORDERED in Chambers at Miami, Florida, this 13th day of March, 2008.

A handwritten signature in black ink, appearing to be "H. J. ...", written over a horizontal line.

Copies provided to:

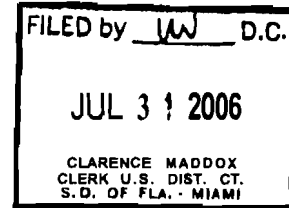
All Southern District Judges
All Southern District Magistrate Judges
United States Marshal Christina Pharo
Library

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2006-16

IN RE:

CELLULAR PHONE AND ELECTRONIC
EQUIPMENT USAGE IN THE COURTHOUSE



At a regularly scheduled Judges' Meeting, the current United States Marshals Service policy regarding cellular phones and electronic devices in the federal courthouse facilities within the Southern District of Florida was reviewed. Upon consideration, it is further

ORDERED that the following procedures will be strictly adhered to regarding the introduction of electronic equipment into the federal courthouse facilities within the Southern District of Florida:

I. Electronic Devices.

All electronic devices including but not limited to Cellular Phones, Pagers, Personal Data Assistants (PDA), Laptop Computers, Tape Recorders, etc., are prohibited from being brought into any federal courthouse facility within the Southern District of Florida with the following exceptions:

- A. A written request signed by a judge or other designated authority, forwarded to the United States Marshal for verification, allowing a specific person access to the courthouse with a specific electronic device for a specific purpose and period of time; or,

- B. Any federal courthouse employee (United States Probation, Clerk's Office, Chambers Staff, and United States Marshals Service) with valid permanent government employee identification; or,
- C. Any attorney of the United States Attorney's Office or the Federal Public Defender's Office with a valid identification card issued from that office; or,
- D. Any Special Agent for the United States Government or other law enforcement officer authorized to enforce the law within the Southern District of Florida, having official business within the courthouse facility and possessing a valid agency/department issued identification badge; or,
- E. Any attorney permitted to practice law within the Southern District of Florida with a valid Florida Bar identification card or pro hac vice order having business within the facility. This applies to attorneys only and precludes staff, investigators, clients, etc.; and,
- F. A judge shall have the discretion to allow members of a seated jury panel to bring their cellular phones - with or without integrated cameras - into the courthouse. A judge **must** provide the United States Marshals Service with a list of seated jurors who will be allowed to bring cellular phones to the courthouse during a trial. The list must indicate the judge, case number, courthouse, dates of empanelment, and each juror's name and regular cellular phone number or camera cellular phone number and should be provided to the Marshals Service in the form accompanying this Administrative Order as Attachment A.

It will be the responsibility of the judge to have the cellular phones collected from the jurors in the morning before trial begins, to distribute them to the jurors during breaks (if necessary), and to collect them upon the conclusion of those breaks. Jurors will not be permitted to leave the floor

with their cellular phones on lunch or other breaks. The United States Marshals Service will not be responsible for collecting or storing the cellular phones of seated jurors.

II. Cameras and Cellular Phones with Integrated Camera Device

Pursuant to Southern District of Florida Local Rule 77.1, cameras of any type are not allowed in any of the federal courthouse facilities without a written order signed by a judge and verified by the United States Marshals Service. Notwithstanding that local rule, those persons permitted to bring a cellular phone into a federal courthouse facility, pursuant to the exceptions listed, may bring that cellular phone, even if it contains an integrated camera device, into any federal courthouse facility. **No cellular phones of any kind may be used in a courtroom or jury deliberations room and no photographs of any kind may be taken in any federal courthouse facility.**

The United States Marshals Service is to continue to inspect all cellular phones and other electronic equipment as they are brought into the federal courthouse facilities as directed to protect the Bench, Bar, and public from harm. It is further

ORDERED that persons not meeting at least one of the exceptions listed will not be permitted to bring an electronic device of any kind, including a cellular phone, into the federal courthouse facilities within the Southern District of Florida (i.e., the general public, etc.). It is further

Administrative Order 2006-16
In re: Cellular Phone and Electronic
Equipment Usage in the Courthouse
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ORDERED that the penalty for violating this Administrative Order includes a sentence of 30 days in jail and/or a fine of \$5,000.00; and/or punishment for contempt of court. See Local Rule 77.1; 41 C.F.R. §§ 102-74.385; 102-74.420; 102-74.450; 18 U.S.C. § 401.

This Order shall be effective immediately and supersedes Administrative Order 2003-92.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this 28th day of July 2006.



WILLIAM J. ZLOCH
CHIEF UNITED STATES DISTRICT JUDGE

c: All Southern District Judges
All Southern District Magistrate Judges
Norman E. Zoller, Circuit Executive, Eleventh Circuit
United States Marshal
United States Attorney
Federal Public Defender
Court Administrator • Clerk of Court
Chief Probation Officer
Library

Attachment A

M E M O R A N D U M

To: United States Marshal
From: The Honorable
Re: Empaneled Juror Information
Date:

The exception to the current cellular phone policy, is to allow empaneled jurors to enter the courthouses with their cellular phones or camera phones for the duration of the trial. The guidelines are as follows:

1. Amemo, signed by the Judge with empaneled juror's names and dates of empanelment will be submitted to the United States Marshals Service.
2. When an empaneled juror arrives at the screening checkpoint each morning, the CSO's will verify the name and dates of empanelment. After verification, the juror will be allowed to proceed to chambers, where the cellular phone will be surrendered.
3. The Courtroom Deputy will be responsible for collecting all phones and taking control of them. The Courtroom Deputy will also be responsible for issuing out cellular phones at appropriate times during breaks throughout the day.
4. The cellular phone must remain on the floor and jurors will not be permitted to leave the floor with the cellular phones on lunch breaks.

Courthouse: _____

Case#: _____

Judge: _____

Dates of empanelment: _____

The following empaneled Jurors are permitted to enter the courthouse with their cellular phone and/or camera cellular phone:

Name	Camera phone	Regular phone

Authorized by: _____
Judge's Signature

US Marshals Service