

PROPOSAL TO ADD MCR 8.115(C) USE OF CELL PHONES BY LAWYERS IN COURTHOUSES

Issue

Should the Representative Assembly recommend that the Michigan Supreme Court adopt the following addition to MCR 8.115:

RULE 8.115 COURTROOM DECORUM

(C) Cell phones.

Lawyers may carry cell phones into any building housing a court facility. Cell phone use shall be allowed anywhere outside of a courtroom. When inside any courtroom, lawyers shall ensure that their phones are either off or silenced. If silenced, counsel shall make certain that any transmissions do not interfere with court recordings. No photographs may be taken inside any courtroom without permission of the presiding judge. No photographs may be taken of any jurors or witnesses. Individuals shall not answer any calls while court is in session, without the consent of the court. Failure to comply with this section may result in a fine, incarceration, or both for contempt of court.

Synopsis

This rule allows for lawyers to carry cell phones into courthouses and use them in a properly limited manner.

Background

Many attorneys in litigation and criminal defense practitioners occasionally encounter judges who entirely prohibit even possession of cellular phones and electronic organizers. Lack of access to calendars and phones can hinder the orderly conduct of business. Only Oakland County has published a local rule on this issue, which is similar to the proposal. It is published as Local Rule 8.115 (C)6.

Opposition

None known.

Prior Action by Representative Assembly

None known.

Fiscal and Staffing Impact on State Bar of Michigan

None except for the cost of the ink in publishing the new rule.

STATE BAR OF MICHIGAN POSITION
By vote of the Representative Assembly on April 12, 2008

Should the Representative Assembly recommend that the Michigan Supreme Court adopt the above addition to MCR 8.115, on the use of cell phones by lawyers in courthouses?

(a) Yes

or

(b) No