



**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE**

Howard H. Baker Jr. United States Courthouse
800 Market Street, Suite 130
Knoxville, Tennessee 37902
(865) 545-4228
www.tned.uscourts.gov

JOHN L. MEDEARIS
Clerk of the Court

LEANNA R. WILSON
Chief Deputy Clerk

NOTICE

Pursuant to 28 U.S.C. § 2071(b), the Clerk of the Court hereby gives notice of and an opportunity for comment regarding the Court's proposal to amend the Eastern District of Tennessee Local Rule 83.1 (Electronic Devices). Additions are underlined and deletions are struck through.

- (a) **General Prohibition.** ~~An individual may not possess any~~ **Electronic devices may not be possessed** beyond the security checkpoints within **any** of the courthouses of this judicial district except as allowed by this rule. For purposes of this rule, "electronic device" means any portable, electronically-powered device capable of sending or receiving a wireless signal; ~~storing,~~ **sending, or retrieving** electronic data; ~~or having computing capability.~~
- (b) **Exception for Court Employees, Law Enforcement Agents, Tenants and Contractors.** The prohibition in paragraph (a) of this rule does not apply to the possession of electronic devices by court employees; agents employed by federal law enforcement agencies or officers assigned to or investigating federal criminal offenses upon presentation of their credentials; employees and visiting employees of courthouse tenant agencies; and contractors approved by the General Services Administration.
- (c) **Exception for Attorneys.** An attorney, ~~and his or her assistant(s),~~ may bring electronic devices into the courthouses **of this judicial district,** ~~subject to the following limitations.~~ **An attorney and his or her assistant(s) may use an electronic device:**
- (i) ~~Electronic devices may be used by an attorney who complies with paragraph (c)(i), and by the attorney's paralegal or other assistants, in courtrooms provided that the attorney ensures that~~ **In the courtrooms provided that** each device is ~~not used for voice communication,~~ is operated silently, **and** is not used **for voice**

~~communication, broadcast any aspect of any proceeding, or in a manner that will disrupt any courtroom proceeding, and is not used to record or broadcast any aspect of any proceeding. By way of illustration~~ For example, the ringing of a wireless telephone in a courtroom during court proceedings ~~will be~~ is considered disruptive. ~~The presiding judicial officer retains authority to disallow use of electronic devices at any time in his or her sole discretion.~~

(ii) ~~Attorneys, paralegals and assistants authorized to use electronic devices under paragraph (c)(ii) may use electronic devices pursuant to this rule~~ Anywhere in a courthouse so long as such use does not disrupt courtroom or other official proceedings.

(d) **Exception for Jurors.** Any seated petit or grand juror may bring electronic devices into any of the courthouses during his or her service subject to the following limitations:

(i) Jurors may only use electronic devices for non-court purposes during breaks. Electronic devices are not allowed in the courtroom.

(ii) When not in use as permitted, electronic devices should be turned off or silenced and must be stored in designated receptacles.

(iii) A juror possessing an electronic device in the courthouse must comply with paragraph (e) of this rule, as well as any other restrictions imposed upon the juror by the presiding judicial officer.

~~(d)~~ **Photographing; Video and Audio Recording; and Video and Audio Broadcasting.** ~~Individuals other than court personnel are not permitted to~~ No photographing, record by audio or visual means ~~video or audio recording, or broadcast audio or visual recordings~~ video or audio broadcasting ~~other than by court personnel will be permitted on the floor of~~ within any of the courthouses ~~occupied by the Court, except as~~ unless otherwise permitted by order of a United States District, Magistrate, or Bankruptcy Judge.

~~(e)~~ **Enforcement.** Violations of this rule will result in either the confiscation of the device or the violator being required to remove the electronic device from the courthouse ~~or confiscation of the device and~~. Violations may be reported to a judicial officer for appropriate action or other sanction, including but not limited to, revocation of the violator's privilege to bring electronic devices ~~within~~ into the courthouse. Violations of any provisions of this rule by an attorney inside a courtroom may result in the imposition of a fine, revocation of the attorney's privilege to bring electronic devices

into the courthouse, ~~fines,~~ or other actions deemed appropriate by the judicial officer.

- (fg) Attorney Agreement.** An attorney seeking to use an electronic device within **any of** the courthouses shall execute and comply with an agreement in the following form and submit the executed agreement to the local United State Marshal's Office and Court Security Officers prior to the attorney's initial use of the device pursuant to this rule.

- (h) Judicial Discretion.** Any presiding judge may modify these procedures or suspend any person's privilege granted by this rule at any time for any reason.

Comments should be directed in writing to John L. Medearis, Clerk of Court, by September 21, 2018, at the above address.

Comments:

This revision adds new language, inserted as a new section (d), which allows seated petit and grand jurors to bring electronic devices into the courthouse buildings during the terms of their service. However, jurors may only use electronic devices for non-court purposes during breaks and must otherwise store the electronic devices in designated receptacles. The section on enforcement of 83.1 also applies to jurors' use of electronic devices. Finally, new language is added as new section (h) granting individual judge discretion over electronic device possession and use in the courthouse.