



FRANCES M. TYDINGCO-GATEWOOD
Chief Judge

District Court of Guam

4TH FLOOR, U.S. COURTHOUSE
520 WEST SOLEDAD AVENUE
HAGÁTÑA, GUAM 96910
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JEANNE G. QUINATA
Clerk of Court

June 30, 2011

Buenas yan Hafa Adai,

Over the last few years, and with greater and greater frequency, members of the Bar have asked me to change the longstanding policy of prohibiting cellular telephones and other devices from the courthouse. While I am still concerned that liberalizing our policy might have a negative effect on the decorum of our proceedings, I have decided that the time has come to test such a change.

Please review the attached proposed General Order, which allows attorneys to bring cellular telephones and other electronic devices into the courthouse and even into our courtrooms. I welcome your comments on this proposal, and will issue the order within two weeks or so, after you have had a chance to submit your comments.

You may submit your comments by facsimile to (671) 473-9152, by email to charles_white@gud.uscourts.gov, or by mail to:

District Court of Guam
520 W. Soledad Ave.
Hagatna, GU 96910

Comments will be accepted through July 15, 2011.

Si Yu'os Ma'ase.

Frances Tydingco-Gatewood
Chief Judge

Attachments

1
2 DISTRICT COURT OF GUAM
3 TERRITORY OF GUAM

4
5 In re:

6 THE USE OF ELECTRONIC DEVICES IN
7 THE COURTHOUSE BY ATTORNEYS.

GENERAL ORDER No. 11-00 ____

8 The purposes of this General Order are to promote security for all persons who enter the
9 District Court of Guam's Courthouse, to protect the integrity of judicial proceedings, to
10 facilitate legitimate use of electronic devices for communication or for the storage, retrieval, or
11 presentation of information in the courtroom, and to comply with the mandates of the Federal
12 Rules of Criminal Procedure and the policies of the Judicial Conference of the United States.
13 The provisions of this order supersede the provisions of General Order 01-0001 regarding
14 electronic devices, as defined below.

15
16 I. Definition: "Electronic Device"

17 As used in this General Order, the phrase "electronic device" includes all equipment (regardless
18 of how it is powered or operated) that can be used for:

- 19 a. wireless communication;
20 b. receiving, creating, capturing, storing, retrieving, sending, or broadcasting any signals
21 or any text, sound, or images; or
22 c. accessing the internet or any other network or off-site system or equipment for
23 communicating or for storing or retrieving information.

24
25 II. Federal Rule of Criminal Procedure 53 **PROHIBITS** "the taking of photographs in the
26 courtroom during judicial proceedings or the broadcasting of judicial proceedings from the
27 courtroom." Nothing in this General Order shall not be construed as an abrogation of such
28 restriction.

1 III. Except as may be otherwise ordered by a judge of this court, possession and use of
2 electronic devices and cameras in the federal courthouse in this district, and in the portions of
3 the building in which judicial proceedings are held, shall be governed by the following rules
4 and policies:

5 A. Court security personnel will screen all electronic devices and cameras before
6 permitting them to be brought into the courthouse or into any facility or portion of any
7 facility in which a judicial proceeding is held. The purpose of this screening is to make
8 sure that the items do not contain weapons, dangerous devices or materials, or
9 contraband.

10 1. Court security personnel may bar from the courthouse, or from portions of a
11 building in which judicial proceedings are held, any item that appears to pose a
12 threat to security or safety.

13 2. In response to a violation of any provision of this General Order, or of any
14 court order addressing matters covered by this General Order, court security
15 personnel may order immediate compliance, direct the offender to leave the
16 courtroom or the building, temporarily confiscate the device(s) used in violation
17 of these rules, and/or report the violation to a judge of this court.

18 B. Subject to the screening described in the preceding paragraph and to other provisions
19 of this General Order, electronic devices may be brought into the courthouse by
20 **ATTORNEYS ONLY** and may be used in a nondisruptive manner in the common
21 areas of the building.

22 C. Photographs may NOT be taken and images MAY NOT be captured or transmitted
23 by any means in the courthouse or in the courthouse portions of the building, except as
24 permitted by the Federal Rules of Civil Procedure and by the Court's Local Rules of
25 Practice. This prohibition does not apply to sketch artists.

26 D. Except as may be permitted pursuant to paragraphs E and F below, or as authorized
27 for the taking of the official record of judicial proceedings or grand jury deliberations by
28 a court reporter or court recording operator, or as necessary to facilitate necessary
language translations, all forms, means, and manner of capturing, recording,
broadcasting, transmitting, and/or storing of anything by use of electronic, photographic,

1 audio and/or visual means or devices are prohibited in the courthouse during the course
2 of, or in connection with, any judicial proceedings, whether the Court is actually in
3 session or not.

4 E. A judge of this court may permit:

- 5 1. the use of electronic or photographic devices for the presentation of evidence
6 or the perpetuation of the record;
- 7 2. the broadcasting, televising, recording or photographing of certain non-jury
8 civil court proceedings by court employees pursuant to the Federal Rules of
9 Civil Procedure and the Court's Local Rules of Practice, and
- 10 3. the use of an unobtrusive handheld dictating device by counsel for use in
11 dictating notes or reminders during trial. Such device shall not be used to record
12 or transmit any part of judicial proceedings.

13 F. Unless otherwise ordered by the Court, electronic devices may be used by attorneys
14 in the courtroom provided such devices are not used for receiving or initiating telephone
15 calls, emit no sound, and are not disruptive to the proceedings. Any device which has
16 the potential to emit sound or be disruptive to Court proceedings must be turned off or
17 set on silent mode in the courtroom. The use of this equipment is permissible within a
18 judge's chambers at the discretion of the judge, as well as the Clerk's Office, and unless
19 otherwise ordered by the Court, may be utilized in the hallways, lobbies, and other areas
20 of the courthouse subject to the other provisions of this General Order.

21 G. The Court shall levy a \$75.00 sanction for the first violation of any provision of this
22 General Order, or of any court order addressing matters covered by this General Order,
23 and a \$150.00 sanction for the second such violation.

24 SO ORDERED this ____ day of _____.

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FRANCES M. TYDINGCO-GATEWOOD
28 Chief Judge