

DISTRICT COURT OF GUAM  
TERRITORY OF GUAM

**FILED**  
**DISTRICT COURT OF GUAM**

JUL 18 2011 *CBW*

**JEANNE G. QUINATA**  
**CLERK OF COURT**

In re:

THE USE OF ELECTRONIC DEVICES IN  
THE COURTHOUSE BY ATTORNEYS AND  
LAW ENFORCEMENT OFFICERS.

GENERAL ORDER No. 11-0010

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

A. Definition: "Electronic Device"

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

- (1) wireless communication;
- (2) receiving, creating, capturing, storing, retrieving, sending, or broadcasting any signals or any text, sound, or images; or
- (3) accessing the internet or any other network or off-site system or equipment for communicating or for storing or retrieving information.

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

C. Except as may be otherwise ordered by a judge of this Court, possession and use of electronic

1 devices and cameras in the federal courthouse in this district, and in the portions of the building in  
2 which judicial proceedings are held, shall be governed by the following rules and policies:

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

7 (a) Court security personnel may bar from the courthouse, or from portions of a  
8 building in which judicial proceedings are held, any item that appears to pose a threat to  
9 security or safety.

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

15 (2) Subject to the screening described in the preceding paragraph and to other provisions of this  
16 General Order, electronic devices may be brought into the courthouse by **ATTORNEYS AND**  
17 **LAW ENFORCEMENT OFFICERS ONLY** and may be used in a non-disruptive manner in  
18 the common areas of the building.

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

23 (4) Except as may be permitted pursuant to paragraphs (5) and (6) below, or as authorized for  
24 the taking of the official record of judicial proceedings or grand jury deliberations by a court  
25 reporter or court recording operator, or as necessary to facilitate necessary language  
26 translations, all forms, means, and manner of capturing, recording, broadcasting, transmitting,  
27 and/or storing of anything by use of electronic, photographic, audio and/or visual means or  
28 devices are prohibited in the courthouse during the course of, or in connection with, any judicial  
29 proceedings, whether the Court is actually in session or not.

(5) A judge of this Court may permit:

(a) the use of electronic or photographic devices for the presentation of evidence or the

1 perpetuation of the record;

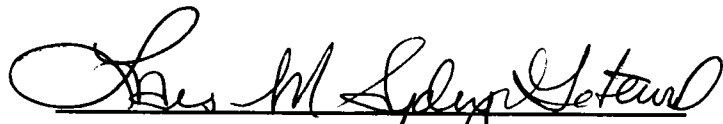
2 (b) the broadcasting, televising, recording or photographing of certain civil court  
3 proceedings by court employees pursuant to the Federal Rules of Civil Procedure and  
4 the Court's Local Rules of Practice; and

5 (c) the use of an unobtrusive handheld dictating device by counsel for use in dictating  
6 notes or reminders during trial. Such device shall not be used to record or transmit any  
7 part of judicial proceedings.

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

16 (7) The Court shall levy a \$75.00 sanction for the first violation of any provision of this  
17 General Order, or of any court order addressing matters covered by this General Order, and a  
18 \$150.00 sanction for any violation thereafter.

19 SO ORDERED this 18<sup>th</sup> day of July, 2011.

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24 FRANCES M. TYDINGCO-GATEWOOD  
25 Chief Judge  
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