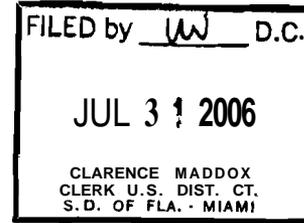


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

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

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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: _____

