

**DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISIONS OF ST. CROIX and ST. THOMAS AND ST. JOHN**

In re:)
Electronic Communication Devices) **1:14 Misc. No. 0009**
Concerning Court-Related Matters)
_____)

GENERAL ORDER

WHEREAS there have been numerous requests by members of the District Court Bar to bring Personal Electronic Devices into the courtroom to enhance the effectiveness and efficiency of their presentations to the Court; and

WHEREAS the Court recognizes the important role that Personal Electronic Devices can play in assisting attorneys in fulfilling their professional responsibilities in Court; and

WHEREAS the Court is, at the same time, mindful of the security challenges and the potential for disruption of court proceedings posed by such devices; and

WHEREAS the Court remains committed to maintaining the integrity of the Court, its proceedings and the administration of justice; and

WHEREAS, by General Order entered on September 15, 2014, the Court established a six-month pilot project, from September 15, 2014 through March 13, 2015, regarding the possession and use of Personal Electronic Devices in the District Court of the Virgin Islands; and

WHEREAS the Court has determined that the pilot project was successful and that the Electronic Devices Policy should be adopted as a standing policy;

NOW, THEREFORE, it is by the Court

ORDERED that the District Court of the Virgin Islands hereby adopts the policy contained herein regarding the possession and use of Personal Electronic Devices in the District Court of the Virgin Islands; and it is further

ORDERED that this policy shall be governed by the terms and conditions set forth in this Order.

I. General Prohibition

- A. For purposes of this Order, Personal Electronic Devices are defined as follows:
1. Cellular telephones, smart phones, any type of computer (including, but not limited to a laptop, handheld, notebook, or tablet), any analog or digital recorder, MP3 player, personal digital assistants, and any other device that is capable of receiving, transmitting or recording messages, images, sounds, data, or other information by electronic means; and
 2. Cameras, regardless of whether they operate electronically, mechanically, or otherwise and regardless of whether images are recorded by using digital technology, film, light-sensitive plates, or any other means.
- B. Except as provided in this Order, no person may possess or use a Personal Electronic Device in the Courthouses of the District of the Virgin Islands—namely, the Almeric L. Christian Federal Building and Courthouse in the Division of St. Croix and the Ron deLugo Federal Building and Courthouse in the Division of St. Thomas and St. John (collectively, “DVI Courthouses”). Personal Electronic Devices must be checked at the security screening station in order for a person possessing such a Device to gain access to the Courthouse.
- C. Notwithstanding the exceptions set forth below, under no circumstances shall any Personal Electronic Device be used to photograph, broadcast, or record (audio or video) anything from the DVI Courthouses, including visual images, data, or any judicial proceedings, grand jury proceedings, or any other court-related proceeding, whether these proceedings are held in open court, closed court, in the chambers of a judge of this Court, or in any other space within the DVI Courthouses. Nor shall any Personal Electronic Device be used to take photographs of any kind in the

DVI Courthouses. Nor shall an MP3 player or any equivalent device be used.

II. Exceptions and Conditions

A. Use of Personal Electronic Devices in Court Proceedings and Meetings

1. Attorneys admitted to the District Court Bar, and attorneys admitted *pro hac vice*, or otherwise, to practice before the District Court, who are participating as counsel in scheduled proceedings or meetings at the District Court may bring Personal Electronic Devices into the DVI Courthouses, courtrooms, and judges' chambers for business use in connection with the scheduled proceeding or meeting. Attorneys may not share their Personal Electronic Devices with any other person, except a member of the attorney's staff assisting with the matter, without Court approval.
2. Attorneys permitted to bring Personal Electronic Devices into the DVI Courthouses must ensure that such Devices are turned to silent mode prior to entry into the Courthouse, and are turned off prior to entry in any courtroom or judge's chambers. Attorneys shall ensure that the Personal Electronic Devices shall not emit any audible sounds during court or court-related proceedings.
3. Attorneys wishing to use their Personal Electronic Devices in the courtroom or in a judge's chambers must receive the permission of the judge presiding over the proceedings. If permission is granted, the judge retains the discretion to withdraw such permission for any or all attorneys at any time during the proceedings and for any reason.
4. Cellular telephones may not be used to make or receive telephone calls in the courtroom. Such calls may be made or received in a judge's chambers only with the approval of the judge.
5. *Pro se* litigants must file a motion seeking permission to bring any Personal Electronic Devices into the DVI Courthouses,

courtrooms, and judges' chambers. The motion must include the name of the individual seeking to bring the Personal Electronic Device(s) into the DVI Courthouse; the particular Device(s) which the person seeks to bring; and the purpose for bringing in the Device(s).

B. Use of Personal Electronic Devices in the Third Circuit Library

1. Attorneys admitted to the District Court Bar, or attorneys admitted *pro hac vice* or otherwise to practice before the District Court, may bring Personal Electronic Devices into the DVI Courthouses for business use in the Third Circuit Library. The Devices must be turned to silent mode.
2. Attorneys permitted to bring Personal Electronic Devices into the DVI Courthouses for use in the Third Circuit Library must ensure that such Devices are turned to silent mode prior to entry into the Courthouse and remain in silent mode while in the Library.
3. Attorneys permitted to bring Personal Electronic Devices into the DVI Courthouses for use in the Third Circuit Library may use such devices to electronically scan documents for business purposes. Such electronic scanning is permitted only in the Library and may not take place in courtrooms or in any other area of the DVI Courthouses without Court approval.
4. Cellular telephones may not be used to make or receive telephone calls in the Library.
5. If an attorney who has brought Personal Electronic Devices into the Courthouse for use in the Library wishes to enter the courtroom or judge's chambers, and if the attorney has no matter scheduled at that time with the Court, the attorney must relinquish his or her Personal Electronic Devices to the Court Security Officers at the entrance to the Courthouse before entering the courtroom or judge's chambers.

C. Cellular Telephones and Other Electronic Communications

1. Cellular telephones may be used to make and receive calls only on the entrance floor of each of the DVI Courthouses. Cellular telephones may be operated only in silent mode.
2. Personal Electronic Devices may be used to send and receive text messages, e-mails, or to otherwise communicate electronically only on the entrance floor of each of the DVI Courthouses. Such devices may be operated only in silent mode.

D. Provisions of General Applicability

1. Attorneys who bring Personal Electronic Devices into the DVI Courthouses pursuant to this Order remain personally responsible for the use, or any misuse, of the Devices.
2. All Personal Electronic Devices that may be possessed or used in the DVI Courthouses are subject to proper screening and security clearance upon entering the DVI Courthouses, as determined by the U.S. Marshal's Service and/or the Court Security Officers. Upon inquiry or request from the U.S. Marshal's Service or a Court Security Officer, attorneys attempting to bring Personal Electronic Devices into the DVI Courthouses are required to present photo identification and/or are subject to having their access verified by chambers.
3. Any individuals or entities not granted permission by this Order to possess or use Personal Electronic Devices in the DVI Courthouse, and who desire to do so in connection with matters involving the District Court or the Third Circuit Library, must submit a written request to the Clerk's Office at least two business days prior to the requested date. The request must include the name of the individual seeking to bring the Personal Electronic Device(s) into the DVI Courthouse; the particular Device(s) which the person seeks to bring; the purpose for bringing in the Device(s); and the date(s) for which permission is sought.

E. Sanctions

1. Any violation of this Order may result in sanctions, including but not limited to a monetary fine, a finding of contempt of court, and the forfeiture of the privileges granted by this Order.
2. The Chief Judge may modify or suspend the privileges granted by this Order at any time for any reason.

F. Effective Date

This policy shall take effect on March 14, 2015.

SO ORDERED.

Date: March 13, 2015

_____/s/_____
WILMA A. LEWIS
Chief Judge