

# Beier Howlett

ATTORNEYS AND COUNSELORS

## *Cell Phones Now Allowed in the Courtroom*

by Peter Gojcaj

**Great News!** Clients, non-lawyers, witnesses, and jurors may bring cell phones into the courtroom.

Beier Howlett's clients and witnesses should be thrilled to learn that they may carry cell phones and other electronic devices in Michigan courtrooms starting on May 1, 2020. The Michigan Supreme Court has adopted an amendment to Michigan Court Rule 8.115, entitled Courtroom Decorum and Policy Regarding Use of Cell Phones or Other Portable Electronic Communication Devices. This is a major accomplishment because court staff typically send witnesses, non-lawyers, and clients to their vehicles to drop off their cell phones or electronic devices before attending court sessions.

This is important for clients during litigation. Clients will now be able to contact their

employers, managers, and other individuals concerning litigation.

The amendment to MCR 8.115 has common sense restrictions. For example, a judge has the authority to terminate any electronic activity that is disruptive or distracting to a court proceeding. No one, including attorneys, can video record, audio record, or livestream courtroom proceedings unless specifically allowed by the judge.

The amendment allows for attorneys, parties, and other members of the public to use, copy, and photograph records and documents. This is key as many attorneys and clients are provided documents in court proceedings and they have to report back to their respective clients.

Of course, all electronic devices must be placed on silent as to not

disrupt any courtroom proceeding.

I have obtained permission from several judges to have clients and other non-lawyer witnesses bring in their electronic devices even before May 1, 2020. A judge has wide discretion to allow for this. In lengthy trials, having electronic devices, including cell phones, is key so that clients can communicate with their companies to keep track of employees, managers, and customers.

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