

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ORDER ESTABLISHING A COMMITTEE §
TO REVIEW THE PROHIBITION ON §
PERSONAL ELECTRONIC DEVICES §
INSIDE STATE COURTHOUSES §

ORDER

This 7th day of December 2020, IT APPEARS THAT:

WHEREAS, since 2005, the Delaware Judiciary generally has prohibited the public from bringing personal electronic devices, including cell phones, into State courthouses because of the risks such devices pose to security, safety, and decorum;

WHEREAS, the prohibition on personal electronic devices does not apply to lawyers or employees;

WHEREAS, since 2005, the use of personal electronic devices has greatly expanded such that the Supreme Court of the United States has recognized cell phones as “indispensable to participation in modern society;”¹

WHEREAS, it is estimated that nationally more than 60% of all litigants in civil matters appear without a lawyer;

WHEREAS, the prohibition on personal electronic devices presents a barrier for self-represented litigants who need to present evidence, schedule court events,

¹ *Carpenter v. U.S.*, 138 S. Ct. 2206, 2220 (2018) (quoting *Riley v. California*, 134 S. Ct. 2473, 2484 (2014)).

access legal resources, and contact family, employers, and child care providers while present in judicial facilities;

WHEREAS, the United States District Court for the District of Delaware permits the public to use personal electronic devices in the public areas of the J. Caleb Boggs federal courthouse in Wilmington, with restrictions on their use in courtrooms;

WHEREAS, many national organizations, including the American Bar Association, the Conference of Chief Justices, and the Council of State Court Administrators have encouraged courts nationwide to review their cell phone policies so as to balance security and decorum concerns with the legitimate needs of litigants to ensure meaningful access to our judicial system, especially for those who are self-represented;

WHEREAS, to that end, it is advisable to form a committee to review the current prohibition on personal electronic devices in judicial facilities and recommend any changes to the existing policy;

NOW, THEREFORE, IT IS ORDERED THIS 7th day of December 2020, that:

1. A Committee to review the prohibition on personal electronic devices in judicial facilities shall be established;

2. The Committee shall consider and make recommendations to the Chief Justice and the Presiding Judges for any modification to the current policy, which the Committee finds warranted;

3. The Committee shall be composed of the following members and may appoint additional members at the Chair's discretion:

The Honorable Michael K. Newell, Chair
The Honorable Paul A. Fioravanti, Jr.
The Honorable Vivian L. Medinilla
The Honorable Monica A. Horton
Michael Iglie, Chief of Uniformed Services
Timothy Maguire, Esquire, Department of Justice
Stephanie Volturo, Esquire, Office of Conflict Counsel
Major Michael Downs, Capitol Police
Sonia Augusthy, Esquire, Delaware State Bar Association
Elmer Setting, Administrative Office of the Courts

4. The Administrative Office of the Courts and the staff of the various courts shall provide support and advice, when called upon.

5. The Committee shall submit its report with recommendations to the Chief Justice and the Presiding Judges on or before April 2, 2021.

BY THE COURT:

/s/ Collins J. Seitz, Jr.
Chief Justice