

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

FILED
2012 MAR 27 AM 9:08

CLERK, US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY JLH
DEPUTY

IN THE MATTER OF §
ELECTRONIC DEVICE POLICY IN §
THE ALBERT ARMENDARIZ, SR. §
UNITED STATES COURTHOUSE §

ORDER REGARDING THE USE OF PORTABLE ELECTRONIC DEVICES

On this day, the Court considered the above-referenced matter. Portable electronic devices ("PED"), including cellular telephones, pagers, tablets, and laptops, are useful tools in the practice of law.¹ Notwithstanding their utility, the unregulated use of these devices within a federal courthouse may prove disruptive, distracting, and result in a breach of security. Therefore, after due consideration, the Court enters the instant Order establishing guidelines for the use of PEDs within the Albert Armendariz, Sr. United States Courthouse to be read in conjunction with Western District of Texas Attorney Rule AT-5 ("AT-5").

Subject to AT-5 and to inspection and security screening, Attorneys² transacting official business within the Court may bring a PED into the courthouse, subject to the following limitations.

1. If the PED contains a phone function or emits sound of any other kind, it shall be set to provide completely soundless and noiseless operation at all times within

¹ To some extent, Western District of Texas Attorney Rule AT-5 addresses the use of cellular telephones, photographing, broadcasting, and recording. Nevertheless, the Local Rules for the Western District of Texas are silent as to the use of other portable electronic devices more generally.

² For the purposes of this Order, the word "attorneys" is limited to those attorneys admitted to practice within the Western District of Texas and those who have been admitted to practice in the Western District of Texas on a *pro hac vice* basis.


the courthouse. Telephone conversations are permitted within hallways, stairwells, and break areas, to the extent that such conversations do not interfere with the efficient functioning of the courts.


2. Pursuant to AT-5(l), the photographing, broadcasting, or televising of any judicial proceeding or any person directly or indirectly involved in a proceeding, whether court is in session or not, in or from any part of a United States Courthouse, is prohibited, except with the permission of the judge presiding.
3. Pursuant to AT-5(m), audio recorders, audio- or video-recording cell phones, or other means of recording proceedings must not be brought into a courtroom, except with the permission of the judge presiding. Through the instant Order, however, the undersigned judges permit the use of these devices in their courtrooms pursuant to the terms of this Order. This rule does not apply to such recorders or other devices used by, and under the direction and control of, a judicial officer or the official court reporter.
4. Use of a PED by Attorneys and their staff shall be unobtrusive and shall not interfere with courtroom proceedings or the efficient operation of court business.
5. No attorney nor his/her staff shall use a PED to communicate with any courtroom participant at any time during the course of any proceeding. A "courtroom participant" includes but not limited to a litigant, defendant, witness, court staff, or juror.
6. The presiding judge may restrict or prohibit use of a PED at any time, if, in his/her discretion, the use of a PED is interfering with the administration of justice, the security of a proceeding, or integrity of the court process.

7. A violation of this Order shall result in a fine of \$250 and/or confiscation of the PED at the discretion of the judge presiding at the time the infraction occurs. Any individual in violation of this order shall also forfeit the privilege of bringing a PED into the courthouse or courtroom for the remainder of the proceedings for that particular case. Furthermore, any individual violating this order may be held in contempt, which could result in a fine or jail time being levied. Finally, the court in its discretion may order that any audio recording, photographs, video, or communication, made in violation of these rules, be destroyed.


SO ORDERED.


SIGNED this 27th day of March, 2012.



PHILIP R. MARTINEZ
United States District Judge


FRANK MONTALVO
United States District Judge



KATHLEEN CARDONE
United States District Judge


DAVID BRIONES
Senior United States District Judge