

**CONFERENCE OF CHIEF JUSTICES
CONFERENCE OF STATE COURT ADMINISTRATORS**

Resolution 7

In Support of a Review of Courthouse Cell Phone Policies

WHEREAS, the Conference of Chief Justices and the Conference of State Court Administrators have long supported the expansion of meaningful access to the justice system for all; and

WHEREAS, in 2015 the Conferences adopted Resolution 5, which urged their members to provide leadership in achieving the aspirational goal of 100 percent access to effective assistance for essential civil legal needs; and

WHEREAS, cell phones have become an integral part of daily life for many litigants, serving as an essential tool for communication, research, information storage, and safety; and

WHEREAS, there is currently a wide range of policies with respect to cell phone use in courthouses, both across the country and within states; and

WHEREAS, restrictions on cell phone use in courthouses may impose additional burdens on litigants, particularly those who are self-represented, by preventing them from:

- Accessing and presenting evidence stored on cell phones;
- Gathering information and conducting legal research on the Internet;
- Communicating with individuals outside of the courthouse, for example, to coordinate appearances of "on-call" witnesses, childcare, eldercare, or transportation; or
- Using cell phones to overcome language or accessibility barriers, for example, accessing translation services or hearing assistance applications; and

WHEREAS, these burdens may be especially serious for those self-represented litigants who are not aware of the cell phone restrictions and who may consequently appear in court expecting to offer evidence stored on their cell phones, such as texts or photographs, and who may be unable to offer the evidence or information necessary to prevail in their cases without their cell phones; and

WHEREAS, restrictions on cell phone use in courthouses may also limit litigants' access to innovative self-help solutions such as text messages reminding them where

and when to appear for court, informational videos, online forms, and financial calculation tools; and

WHEREAS, courthouses may not offer adequate storage for cell phones, forcing litigants to leave their cell phones in unsecure locations outside the court or to pay a fee to a neighborhood store or office for storage; and

WHEREAS, there are also significant security risks presented by cell phone use in courthouses, including the risk that individuals may use their cell phones to photograph or record witnesses, jurors, or prosecutors involved in trials or hearings, leading to witness intimidation or other threats to safety; and

WHEREAS, the Conferences recognize the need to strike a careful balance between expanding meaningful access to the justice system and protecting the safety of witnesses, jurors, prosecutors, and all court personnel and court users;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators encourage their members to carefully review and assess their policies with respect to cell phone use in courthouses, so as to appropriately balance the security risks posed by cell phone use with the needs of litigants, especially those who are self-represented.

Proposed by the CCI/COSCA Joint Committee on Access and Fairness Committee at the Conference of Chief Justices and Conference of State Court Administrators 2018 Annual Meeting on August 22, 2018.