**Division 1 Supplemental Rules for Non-Media Use of**

**Electronic Devices in the Courtroom**

The following supplemental rules apply to the use of portable electronic devices in the Division 1 courtroom and in chambers.

1. **Definitions.** For purposes of these supplemental rules, the following definitions apply.
   1. “Portable electronic device” includes, but is not limited to, a transportable computer of any size, including a tablet, a notebook, and a laptop; a smart phone, a cell phone, or other wireless phone; a camera and other audio or video recording devices; a personal digital assistant (PDA); other devices that provide internet access; and any similar items.
   2. “Judicial proceeding” proceeding includes trials, hearings, court supervised mediations and settlement conferences or other alternative dispute resolution procedure and all and any other matter, discussions, conversations, informal or formal, whether on or off the record, occurring in the courtroom or chambers.
   3. “Chambers” include the judge’s personal office, administrative assistant’s office, jury rooms, conference rooms, any place in the restricted circulation areas of the courthouse and any other place in which a judicial proceeding is held.
   4. “Courthouse” includes all areas within the exterior walls of a court building, or if the court does not occupy the entire building, that portion of the building used for the administration and operation of the court. A “courthouse” also includes areas outside a court building where a judge conducts an event concerning a court case.
   5. “Courtroom” includes the portion of a courthouse in which judicial proceedings take place.
   6. “Courtroom participant” includes all represented and unrepresented parties, attorneys, witnesses, potential witnesses, and spectators.
2. **No Photography and audio or video recording, broadcasting, or live streaming.** No one may use a portable electronic device to take photographs or for audio or video recording, broadcasting, or live streaming unless that use is specifically allowed by the judge. See also section 4 below.
3. **Witnesses.** A witness must silence any portable electronic device while in a courtroom and may use a device while testifying only with permission of the judge. If a witness or potential witness has been ordered to remain outside the courtroom pending testimony, that witness or potential witness my not communicate by portable electronic device with any courtroom participant. Witnesses must also comply with Section 4.
4. **Attorneys, parties, and members of the public.** The following provisions apply to use of portable electronic devices in a courtroom by attorneys, parties, and members of the public.
   1. Allowed uses: Attorneys, parties, and members of the public may use a portable electronic device in a courtroom to retrieve or to store information (including notetaking), to access the internet, and to send and receive text messages or information.
   2. Prohibited uses: Attorneys, parties, and members of the public must silence portable electronic devices while in the courtroom. A portable electronic device may not be used, without permission of the court, to make or to receive telephone calls or for any other audible function while court is in session. Portable electronic devices may not be used to communicate in any way with any courtroom participant including, but not limited to, a party, a witness, a potential witness, or juror at any time during any court proceedings. Portable electronic devices may not be used to create an audio, video or other recording of a judicial proceeding in any way. Portable electronic devices may not be used to broadcast or publicly disseminate court room proceedings. Prohibited activities include posting to FaceBook, Twitter, Instagram, Snapchat, NextDoor and/or other social media or public information sharing platform or process.
5. **Violations of this rule.** If these rules are violated, the judge may confiscate the device for the remainder of the day or order that the phone be turned off and put away. Violations of this rule are punishable by appropriate sanctions up to and including contempt of court as determined in the discretion of the court.
6. **Implied Consent.** Upon entering the courtroom or anyplace where a judicial proceeding is being held, by entering that space, all such persons consent to inspection of their portable electronic device at any time. The consent is limited to inspection reasonably necessary to ensure compliance with Supreme Court, Local and Division rules. This consent provision does not in any way limit or effect the ability of law enforcement in the furtherance of their duties.
7. **Rules Supplemental.** These rules are supplemental to, and in no way limit or restrict, statute, Supreme Court Rules and Local Court rules.
8. **Exceptions.** Exceptions to these rules may be granted for good cause if requested prior to the beginning of the proceeding.

See also Kansas Supreme Court Rule 1001 for rules concerning media use.

*NON-MEDIA USE OF ELECTRONIC DEVICES IN JUDICIAL PROCEEDINGS*

1. *Prohibited Use of Electronic Devices.*

*Any electronic device, including a cell phone, smart phone, laptop, or still or video camera, must be turned off in the courtroom unless prior written permission of the presiding judge or justice has been obtained. An electronic device must be put away and out of sight in the courtroom, unless use of the device is permitted by subsection (b) or authorized by the presiding judge or justice under this subsection.*

1. *Permissible Use of Electronic Devices.*

*Court personnel, counsel of record, and unrepresented parties appearing before the court may use a smart phone, laptop, or tablet computer during a court proceeding if the sound is off, no disruption occurs, and that person is sitting in a designated area. Notwithstanding the foregoing, an electronic device must not be used for oral communication during a court proceeding, except under Rule 145.*

1. *Confiscation.*

*Violating this rule may result in the device being confiscated during the remainder of the proceeding.*

*[History: New rule effective June 12, 2013.*]