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PERRY C. TAITANO
Administrator of the Courts

September 10, 2009

MEMORANDUM

To: All Justices, Judges and Employees of the Judiciary of Guam
All Guam Bar Members
All Court Patrons

From: Director of Policy, Planning and Community Relations

Re: Proposed Draft Cell Phone Policy

At the August 20, 2009 meeting of the Judicial Council, the attached Draft Cell Phone Policy for the Superior and Supreme Courts of Guam was circulated. This policy was formulated by representatives from management and the bench following internal discussion on the issues presented by cell phone use during courtroom proceedings. The concerns of the Judiciary include security (the use of cell phones in other jurisdictions as weapons or destructive devices), concerns regarding photography in the courtroom (use of cell phone cameras), and any disruptive effect of cell phones in the courtroom. This Draft Policy is proposed to be adopted for use in all courtrooms "in session" in the Guam Judiciary.

Please review this Draft Cell Phone Policy and provide either written comments directed to: Dan Tydingco, Director of Policy, Planning & Community Relations, or present them to the Judicial Council at its next regularly scheduled meeting on September 17, 2009, in the Justice Monessa G. Lujan Memorial Courtroom, 3rd Floor, Judicial Center Building, at 12:00 p.m. Comments received later than September 17 may not be considered.

A handwritten signature in black ink, appearing to read "D. Tydingco", with a long horizontal stroke extending to the right.

DANIEL J. TYDINGCO

Draft Judiciary Cell Phone / Electronic Device Policy

Background/Purpose/Authority

Intent: This policy is aimed to regulate the use of cell phones and other electronic devices within the Judicial Building and other property administered by the Judiciary of Guam. The policy is required to maximize order, safety, and efficiency for all activities occurring within Judiciary premises.

Determination: A subcommittee was appointed by the Judicial Council to investigate all issues arising with respect to the use of cell phones inside the Judicial Center Building, and specifically, the use of cell phones in the courts in session. A survey of employees and judges/justices was undertaken. That survey and subsequent discussion among court management has yielded the following conclusion:

It is determined that the use of cell phones and other electronic devices in certain areas of the Judiciary premises has compromised the safety, efficiency, and order of activities of the Judiciary. This policy is necessary to regulate the use of cellular phones and other electronic devices to address the problems above.

Cellular Phone Rule –Restricted Use

(a) The operation of cellular phones in all courtrooms in session and occupied jury rooms shall be ~~restricted~~– prohibited. Such operation includes any use or noticeable sound and/or movement (vibration) of devices, including noise derived from switching units “off” or changing operation modes. Any use of, or sound or movement created by any device in these restricted areas shall be deemed in violation of this rule.

(b) Applicability – This rule is applicable to all court patrons, employees, and staff. Exceptions will be made for personnel attending to emergencies or necessary court functions within courtrooms and jury rooms, which permission shall be granted in advance by the Judge or Justice. Also excepted is any operation of devices approved by a Judge, a Justice, or by courtroom personnel in charge of a restricted area, which permission shall be secured in advance of operation of the device.

(c) Violation of Rule (First Violation): Upon violation of this rule, any such device will be immediately confiscated by the person designated by the Superior Court judge to be in charge of his or her own courtroom’s cell phone policy. The designated personnel shall cause the violation to be logged prior to the return of any device. Upon application to the Judge or Justice chamber in custody of the phone, the judge or justice in his or her discretion may return the device will at the court’s convenience. Custody and return of the phone will be recorded in the courtroom log. If return of the phone is not initiated by the device owner within one week of its confiscation, the device shall be surrendered to the Marshal Division who will keep custody of confiscated devices.

(d) Subsequent Violations of Rule – Fines: Should an individual commit an additional violation of this rule, a fine may be imposed prior to the return of any device up to the amount of ~~—The fine shall be~~ \$50.00 for any subsequent violations of this rule by the same individual. All fines shall be administered by the Administrator of the Courts and deposited to the Judicial Building Fund.