

**IN THE COURT OF COMMON PLEAS OF HUNTINGDON COUNTY,
PENNSYLVANIA**

IN RE: Prohibition of Personal Electronic : CP-31-MD-143-2021
Devices in Court Facilities : AO-6-2021

PROthonotary/CLERK
HUNTINGDON CO. PA
2021 JUL -9 PM 2:29
FILED

ADMINISTRATIVE ORDER

AND NOW, this 9th day of July, 2021, the Court issues the following administrative order (this "Order") regarding the possession and use of Personal Electronic Devices (as defined below) in all court facilities in the 20th Judicial District. This Order shall be disseminated and posted immediately, and shall be effective as of July 12, 2021.

I. DEFINITIONS

As used herein, the following defined terms shall have the following meanings. Further, in interpreting this Order, the term "and" shall include "or"; the term "or" is disjunctive but not necessarily exclusive; and the terms "including" and "such as" shall mean "including, but not limited to" and "such as, but not limited to."

"Cell Phone" means any cellular telephone, smartphone, phone-enabled watch, or other mobile wireless electronic device that is capable of making, sending, or receiving telephone calls or text messages over any cellular or satellite network, regardless of whether such functionality has been disabled.

"Court Facility" means any office, courtroom, building, or other facility owned or operated by the 20th Judicial District that is identified in Section II.

"Mobile Computer" means any laptop computer, notebook computer, tablet computer, personal digital assistant, or similar electronic device, so long as such device is not capable of making, sending, or receiving telephone calls or text messages over any cellular or satellite network.

"Personal Electronic Device" means any: (i) Cell Phone; (ii) Mobile Computer; (iii) camera, regardless of whether digital or film, and whether still or video; (iv) audio recording device, regardless of whether digital or analog; (v) radio,

whether two-way or receive only; (vi) pager; (vii) music player, whether digital or analog; (viii) game device; (ix) Wi-Fi capable device, regardless of whether connected to a Wi-Fi network; or (x) other mobile electronic device that is capable of capturing, transmitting, receiving, storing, or displaying data in any form. The term “Personal Electronic Device” does not include: (a) any electronic device used exclusively for the monitoring or management of an individual’s health, such as a blood glucose meter, insulin pump, or heart monitor; (b) a USB flash drive, also known as a “memory stick,” “thumb drive,” or “jump drive”; (c) a fitness tracker or similar watch-type device, so long as it does not have a camera, audio recording functionality, or text message functionality; and (d) any electronic devices owned or operated by the 20th Judicial District.

II. PROHIBITIONS AND ENFORCEMENT

A. *Court of Common Pleas – Prohibitions*

1. The **possession** of any Personal Electronic Device is **prohibited** in all facilities of the Huntingdon County Court of Common Pleas, defined as the entire second floor of the Huntingdon County Courthouse. This prohibition applies to **everyone** (litigants, attorneys, witnesses, members of the public, court staff, etc.), subject to the limited exceptions set forth in Section III.
2. Upon entering the Courthouse and passing through security, any person going to the Court of Common Pleas for any reason will not be permitted to retain possession of any Personal Electronic Devices they may have with them. Instead, they will be given the option of: (a) securing their Personal Electronic Devices in one of the lockers provided; or (b) taking their Personal Electronic Devices outside and securing such devices in their vehicle. **Storage lockers are provided for the convenience of the Personal Electronic Device owner or possessor only, and all risk of damage or loss thereto shall remain with the owner or possessor.**
3. Persons going to any office or area of the Courthouse other than the Court of Common Pleas (i.e., the first floor or basement) may retain and use all Personal Electronic Devices, subject to whatever rules the Huntingdon

County Commissioners may establish from time to time regarding such devices. If an individual who was permitted to retain their Personal Electronic Device(s) then decides to go to the Court of Common Pleas for any reason, such person shall either return to the security station to secure their Personal Electronic Device(s) in a locker, or go outside and secure their Personal Electronic Device(s) in their vehicle, before going to the Court of Common Pleas.

4. Additionally, the **use** of any Personal Electronic Device for any reason is **prohibited** in all facilities of the Court of Common Pleas. This prohibition applies to **everyone** (litigants, attorneys, witnesses, members of the public, court staff, etc.), subject to the limited exceptions set forth in Section III. In particular, and in no way limiting the preceding, this prohibition includes the use of any Personal Electronic Device to take pictures or make any audio or video recording anywhere, anytime, within the Court of Common Pleas, regardless of whether such action occurs in a courtroom or other area, whether during a court proceeding or otherwise, and whether the subject of such picture or recording is a person or the Court's facilities generally.

B. Court of Common Pleas – Enforcement

1. Deputy Sheriffs and court staff are expressly authorized to seize any Personal Electronic Device that they believe, in good faith, is possessed or used in violation of this Order, pending review by or a hearing before:
(i) the judge then presiding, if the alleged violation occurs in a courtroom during a court proceeding; or (ii) the President Judge, if otherwise.
2. Any individual found to be in violation of this Order may be subject to contempt proceedings. If found in contempt, they may be subject to a fine of \$500.00, plus other penalties as appropriate (including, without limitation, incarceration).
3. Additionally, any instance of an individual using a Personal Electronic Device to record or take pictures of court proceedings as prohibited by 18 Pa. C.S. § 5103.1, or to communicate to any party the identity of a witness or

the substance of a witness's testimony, will be referred to the Huntingdon County District Attorney for investigation and possible prosecution.

C. Magisterial District Courts

1. The provisions of Sections II.A and II.B shall apply generally to the court facilities of all magisterial district courts in the 20th Judicial District, except as modified below. Such facilities are defined as:
 - a. The entirety of the building housing Magisterial District Court 20-03-01 in Porter Township;
 - b. The entirety of the basement of the Bailey Building in Huntingdon Borough, housing Magisterial District Court 20-03-02; and
 - c. The entirety of the building housing Magisterial District Court 20-03-04 in Orbisonia Borough.
2. The specific modifications from Sections II.A and II.B for magisterial district court facilities are as follows:
 - a. Persons entering the court facility for any reason must secure any Personal Electronic Devices they may have with them in their vehicle before entering the building. No storage areas will be provided in the court facility. Instead, court staff shall direct any person possessing a Personal Electronic Device to exit the court facility and secure the Personal Electronic Device in their vehicle before conducting any business with the court.
 - b. The list of persons in Section II.B.1 who are authorized to seize Personal Electronic Devices is expanded to include constables who are:
 - (i) performing duly authorize security services for the magisterial district court; or
 - (ii) present for any court proceeding as part of the performance of their duties, and have been directed to seize the Personal Electronic Device by the presiding magisterial district judge.
 - c. Enforcement of this Order shall be pursuant to the contempt power of the magisterial district court, including with respect to penalties.
3. Magisterial district judges are not permitted to make modifications to, or grant exceptions not authorized by, this Order. Any reference in this Order

to a “presiding judge” shall mean, when applied to a magisterial district court facility, the presiding magisterial district judge.

D. Proceedings Before Hearing Officers and Special Masters

1. The provisions of Sections II.A and II.B shall apply generally to any proceeding before a hearing officer or special master that occurs at any location other than the Court of Common Pleas or a magisterial district court, except that the hearing officer or special master may, at his or her discretion, either require persons present for the proceeding to secure any Personal Electronic Devices they may have with them in their vehicle, or allow such persons to retain possession of their Personal Electronic Devices so long as they are turned off (including demonstrating same to the hearing officer or special master). The use of all Personal Electronic Devices will remain prohibited. In particular, but without limitation, this Section II.D.1 shall apply to hearings occurring at the offices of the Domestic Relations Section.
2. The provisions of this Order shall apply *in toto* to any proceeding before a hearing officer or special master that occurs at the Court of Common Pleas or a magisterial district court.
3. Enforcement of this Order in regard to this Section II.D shall in all instances be pursuant to the contempt power of the Court of Common Pleas. Hearing officers and special masters who encounter alleged violations of this Order shall report such alleged violations to the President Judge. Any Personal Electronic Devices seized as a result of an alleged violation shall be retained by the hearing officer or special master and turned over to the Court of Common Pleas or its authorized agent, pending possible contempt proceedings before the President Judge.
4. Hearing officers and special masters are not permitted to make modifications to, or grant exceptions not authorized by, this Order. Any reference in this Order to a “presiding judge” in regard to the granting of an authorized exception (e.g., for Personal Electronic Devices that are or that

contain evidence) shall mean, when applied to proceeding before a hearing officer or special master, the presiding hearing officer or special master.

E. Other Facilities of the 20th Judicial District

The possession and use of Personal Electronic Devices at any facility or office of the 20th Judicial District not otherwise addressed above (such as the Probation Department) shall be subject to such policies as the person having management responsibility for the operation of such facility or office may establish from time to time; **provided, that**, in no instance shall any person be permitted to take any picture of, or make any video or audio recording of, any other person present at such facility or office without the express prior consent of such person. To the extent that this restriction may be held, on an “as-applied” basis, to violate the constitutions of the United States, the Commonwealth of Pennsylvania, or both, it shall be deemed inapplicable to the specific situation at issue, but remain valid and enforceable as to all others.

III. EXCEPTIONS

A. Generally

1. Persons who use a Personal Electronic Device to monitor or manage a health condition (e.g., a Cell Phone connected to a blood glucose monitor) may retain possession of the necessary Personal Electronic Device, and may use it as necessary to monitor or manage such health condition.
2. On-duty law enforcement officers may retain possession of their Personal Electronic Devices and may use them in Court Facilities, so long as, when present in a courtroom during court proceedings: (i) all Cell Phones and pagers are set to “silent” or “vibrate,” all two-way radios have the volume turned down (if they must be left on), and such devices are used only as necessary to address an emergency situation; and (ii) all other Personal Electronic Devices remaining in the law enforcement officer’s possession are used only as necessary for the performance of their duties in relation to the proceeding(s) they are present for. Deputy Sheriffs and, as applicable, constables, may further use their Personal Electronic Devices to coordinate

courthouse security, arrange for the service and execution of court orders, and address similar matters as needed, regardless of location and time.

3. Persons who are on-call for a public safety agency (volunteer fire department, ambulance company, etc.) may retain possession of and use Cell Phones, pagers, and two-way radios to the extent necessary to allow them to be made aware of, and respond to, emergency calls. Such devices must be set to “silent” or “vibrate.”
4. Persons who are on-call for a public service agency such that they are required to respond if an emergency or urgent event occurs may retain possession of their Cell Phone. The Cell Phone must be set to “silent” or “vibrate,” and shall not be used for any purpose other than monitoring for the occurrence of, and responding to, an urgent event or emergency.

B. Attorneys

Attorneys, regardless of employer, are subject to the prohibitions and terms of this Order with respect to all Personal Electronic Devices. Attorneys who want to retain possession of or use Mobile Computers in a Court Facility, or who need to bring a Personal Electronic Device into a Court Facility for evidentiary purposes in a court proceeding, may only do so if they have signed and returned to the District Court Administrator an Attorney Personal Electronic Device Agreement using the form attached at Exhibit A. Such Agreement must be signed and submitted annually, and the Huntingdon County Sheriff will be provided with a list of those attorneys authorized to bring particular Personal Electronic Devices into Court Facilities. **Under no circumstances will an attorney be permitted to retain possession of, or use, a Cell Phone in any Court Facility for personal or business purposes.**

C. Litigants (Plaintiffs and Defendants)

Represented persons in possession of any Personal Electronic Device that is, or that contains, evidence to be presented in a court proceeding shall provide the Personal Electronic Device to their attorney, who will retain possession and control of it while present in the Court Facility.

Pro se litigants who desire to submit evidence in a court proceeding that is in the form of, or is contained on, a Personal Electronic Device, shall contact the court prior to the proceeding to obtain approval to bring the Personal Electronic Device into the Court Facility. The presiding judge for such proceeding shall have the sole discretion to authorize or deny the request. If a *pro se* litigant arrives at the Court Facility unaware of this Order, they must comply with its terms, but may request permission from the presiding judge during the proceeding to retrieve the Personal Electronic Device and use it for evidentiary purposes.

D. Media

1. Credentialed media personnel may only possess and use Personal Electronic Devices if they have signed and returned to the District Court Administrator a Media Personal Electronic Device Agreement using the form set forth at Exhibit B. Such Agreement shall be signed and submitted annually. Additionally, the President Judge may make exceptions to this Order to allow credentialed media personnel who have not signed such an Agreement to bring Personal Electronic Devices into a Court Facility, and to take pictures or make audio or video recordings within such Court Facility, on an as-needed basis.
2. Media personnel who do not have appropriate credentials will not be permitted to bring Personal Electronic Devices into a Court Facility.

E. Other Specific Persons

1. Jurors may retain possession of their Personal Electronic Devices. Such devices must be turned off while in a courtroom, and jurors' possession and use of such devices (particularly Cell Phones) will be subject to the instructions and orders of the presiding judge.
2. Court employees may retain possession of their Personal Electronic Devices and may use them in their offices. They may not possess or use them in a courtroom, unless necessary for the performance of their duties.
3. Employees and staff members of social services agencies may retain possession of Mobile Computers and may use them as necessary for the performance of their duties, including during court proceedings.

4. Maintenance employees and contractors of Huntingdon County, and contractors providing services to the 20th Judicial District, may possess Personal Electronic Devices and may use them as needed in the performance of their work.


F. Special Events

Persons present for adoption proceedings, naturalization ceremonies, swearing-in ceremonies, and similar proceedings and events may retain possession of Personal Electronic Devices and may use them as appropriate. The presiding judge will provide specific instructions as to pictures and video or audio recordings.

IV. OTHER MATTERS

This Order terminates and supersedes all prior administrative orders and policies of the 20th Judicial District regarding the possession and use of Personal Electronic Devices.

BY THE COURT:



George N. Zanic, President Judge

C: Angela J. Robinson, District Court Administrator
Huntingdon County Court of Common Pleas Staff
Magisterial District Judge Douglas L. Gummo
Magisterial District Judge Rufus S. Brenneman
Magisterial District Judge Lisa M. Covert
Magisterial District Court Staff
Kay Coons, Prothonotary/Clerk of Courts
Virginia Cooper, Register & Recorder/Clerk of the Orphans' Court
Jeffrey E. Leonard, Sheriff
Leonard Hahn, Director, Probation Department
Shannon Walborn, Director, Department of Children and Youth
David G. Smith, District Attorney
Fredrick Gutshall, Esq., Director, Office of Court Appointed Counsel
Huntingdon County Bar Association

EXHIBIT A

Attorney Personal Electronic Device Agreement

Please see attached.

HUNTINGDON COUNTY COURT OF COMMON PLEAS

ATTORNEY PERSONAL ELECTRONIC DEVICE AGREEMENT

I, the undersigned attorney, in consideration of being permitted to bring certain Personal Electronic Devices (as specified below) into Court Facilities within the 20th Judicial District, do hereby acknowledge and agree as follows:

1. I have read and understand administrative order AO-6-2021, captioned In re: Prohibition of Personal Electronic Devices in Court Facilities, docketed at CP-31-MD-143-2021 (the "Order"). Capitalized terms not defined in this Attorney Personal Electronic Device Agreement (this "Agreement") shall have the meanings given to them in the Order.
2. I understand and agree that the Order prohibits me from possessing or using Personal Electronic Devices in Court Facilities for any purpose, with limited exceptions. I hereby seek permission from the Court to bring certain Personal Electronic Devices into the Court Facilities and use them therein, as set forth in this Agreement.
3. Upon the President Judge's approval, as evidenced by his signature below, I will be permitted to bring the following Personal Electronic Devices into Court Facilities, and use them as follows:
 - a. Mobile Computers – I may bring a Mobile Computer into a Court Facility, including a courtroom. While in a courtroom I may use the Mobile Computer to conduct proceedings, review and prepare for proceedings, and engage in work related to other matters. However, I may not use it for any form of communication (e-mail, text, voice, or otherwise) unless specifically authorized by the presiding judge. Any use of my Mobile Computer for communication must occur outside of a courtroom. I understand that while being in court is a common occurrence for me, it often represents a significant, life-altering event for litigants and their families. My use of my Mobile Computer and my attention to what is occurring in court must therefore outwardly demonstrate the appropriate level of empathy and decorum.
 - b. Personal Electronic Devices used for evidentiary purposes – I may bring Personal Electronic Devices that are, or that contain, evidence into a Court Facility for purposes of presenting such evidence to the court, subject to the Pennsylvania Rules of Evidence and the discretion of the presiding judge regarding the admission and use of such evidence. I must take possession of any such Personal Electronic Devices from the owner or possessor thereof prior to entering the Court Facility, and must retain possession and control of them at all times while present therein, unless otherwise specifically authorized by the presiding judge. I understand and agree that this includes any Personal Electronic Device that belongs to my client or to any witness that I have in attendance. I further agree that I will inform my client, their family members, and any witnesses that I have in attendance, of the terms of the Order.
4. The above are the only exceptions granted with respect to the Order. Any other exception I may want to request must be submitted either to the President Judge, if a general request, or to the presiding judge, if with regard to a specific proceeding. **I understand that, absent extraordinary circumstances, no exceptions will be made regarding my possession or use of a Cell Phone for personal or business purposes. If I need to use a Cell Phone for such purposes, I must return either to the first floor of the Courthouse or my vehicle, depending on where I secured the Cell Phone, and use it there.**

5. I understand that I may not, for any reason, make any audio or video recording in any Court Facility, except as permitted in the Order.
6. I acknowledge and understand that as an attorney, I am held to a higher standard than laypersons present in the courtroom. If I am found to be in contempt of the Order, the Court **will** impose a fine of \$500.00, and may impose other penalties as appropriate, including, without limitation, incarceration. A finding of contempt with regard to the Order will result in the automatic termination of this Agreement. However, such a finding of contempt is not necessary to terminate this Agreement, and the President Judge may terminate this Agreement for cause with respect to any breach of this Agreement or violation of the spirit of the Order, even if the underlying act or omission does not rise to the level of contempt.
7. This Agreement shall be valid for a period of one (1) year after the date it is signed by the President Judge. It may be renewed for successive one (1) year terms by the submission of a signed successor agreement to the District Court Administrator not more than thirty (30) days prior to the expiration of the then-current Agreement. In the event of any termination for cause, I will be required to wait for a period of one (1) year after the date of such termination before submitting a signed successor agreement for approval.

ATTORNEY

Name

Bar ID#

Signature

Date

COURT

Angela J. Robinson,
District Court Administrator

Date

Hon. George N. Zanic,
President Judge

Date

EXHIBIT B

Media Personal Electronic Device Agreement

Please see attached.

HUNTINGDON COUNTY COURT OF COMMON PLEAS

MEDIA PERSONAL ELECTRONIC DEVICE AGREEMENT

I, the undersigned, in consideration of being permitted to bring Personal Electronic Devices (as specified below) into Court Facilities within the 20th Judicial District, do hereby acknowledge and agree as follows:

1. I have read and understand administrative order AO-6-2021, captioned In re: Prohibition of Personal Electronic Devices in Court Facilities, docketed at CP-31-MD-143-2021 (the "Order"). Capitalized terms not defined in this Media Personal Electronic Device Agreement (this "Agreement") shall have the meanings given to them in the Order.
2. I understand and agree that the Order prohibits me from possessing or using Personal Electronic Devices in Court Facilities for any purpose, with limited exceptions. I hereby seek permission from the Court to bring Personal Electronic Devices into the Court Facilities and use them therein, as set forth in this Agreement.
3. Upon the President Judge's approval, as evidenced by his signature below, I will be permitted to bring Personal Electronic Devices into Court Facilities, and use them as follows:
 - a. I may not use a Personal Electronic Device to take any pictures, or make any video or audio recording, in a Court Facility without the prior approval of the President Judge.
 - b. I may use a Mobile Computer in a courtroom while court is in session. I may not use a Cell Phone in a courtroom, but instead must step outside of the courtroom if I need to use it for purposes of communication. I may use the camera and audio recording features of my Cell Phone in a courtroom if authorized by the President Judge, as above.
 - c. As a general matter, I must keep my Personal Electronic Devices silent, or set to "vibrate" (as applicable), while in a courtroom, and must adjust my use of the devices so as to minimize any disruption or distraction to the proceeding then in progress.
4. The above are the only exceptions granted with respect to the Order. Any other exception I may want to request must be submitted either to the President Judge, if a general request, or to the presiding judge, if with regard to a specific proceeding.
5. The permissions granted under this Agreement are in recognition of the fact that I am a credentialed member of the news media. I have included a copy of my credentials with this Agreement. If I change employers or have my credentials revoked for any reason, I must inform the Court as soon as reasonably practicable thereafter.

6. This Agreement shall be valid for a period of one (1) year after the date it is signed by the President Judge. It may be renewed for successive one (1) year terms by the submission of a signed successor agreement, with a copy of my then-current media credentials attached, to the District Court Administrator not more than thirty (30) days prior to the expiration of the then-current Agreement. In the event of any termination for cause, I will be required to wait for a period of one (1) year after the date of such termination before submitting a signed successor agreement for approval.

MEDIA MEMBER

Name

Employer

Signature

Date

COURT

Angela J. Robinson,
District Court Administrator

Date

Hon. George N. Zanic,
President Judge

Date