

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE

IN RE: ) Chief Judge Thomas A. Varlan  
AMENDMENT OF LOCAL RULE 83.1 ) LR-15-01

**ORDER**

Pursuant to Rule 83, Federal Rules of Civil Procedure, and 28 U.S.C. § 2071(e), it is ORDERED that the local rules of this Court are AMENDED to abrogate current Local Rule 83.1 (Electronic Devices) in its entirety and substitute the following in its place:

**LR 83.1 ELECTRONIC DEVICES**

**(a) General Prohibition.** Electronic devices may not be possessed beyond the security checkpoints within the courthouses of this judicial district except as allowed by this rule. For purposes of this rule, "electronic device" means any portable, electrically-powered device capable of sending or receiving a wireless signal, storing electronic data, or having computing capability.

**(b) Exception for Court Employees, Law Enforcement Agents, Tenants and Contractors.** The prohibition in paragraph (a) of this rule does not apply to the possession of electronic devices by court employees; agents employed by federal law enforcement agencies or officers assigned to or investigating federal criminal offenses upon presentation of their credentials; employees and visiting employees of courthouse tenant agencies; and contractors approved by the General Services Administration.

**(c) Exception for Attorneys.** An attorney may bring electronic devices into courthouses subject to the following limitations:

(i) The attorney must execute and comply with the terms of the agreement described in paragraph (f) of this rule.

(ii) Electronic devices may be used by an attorney who complies with paragraph (c)(i), and by the attorney's paralegal or other assistants, in courtrooms provided that the attorney ensures that each device is not used for voice communication, is operated silently, is not used in a manner that will disrupt any courtroom proceeding and is not used to record or broadcast any aspect of any proceeding. By way of illustration, the ringing of a wireless telephone in a courtroom during court proceedings will be considered disruptive. The presiding judicial officer retains

authority to disallow use of electronic devices at any time in his or her sole discretion.

(iii) Attorneys, paralegals and assistants authorized to use electronic devices under paragraph (c)(ii) may use electronic devices pursuant to this rule anywhere in a courthouse so long as such use does not disrupt courtroom or other official proceedings.

**(d) Photographing; Video and Audio Recording; and Video and Audio Broadcasting.** No photographing, video or audio recording, or video or audio broadcasting other than by court personnel will be permitted on the floors of the courthouse occupied by the Court, except as otherwise permitted by order of a United States District, Magistrate or Bankruptcy Judge.

**(e) Enforcement.** Violations of this rule will result in the violator being required to remove the electronic device from the courthouse or confiscation of the device and may be reported to a judicial officer for appropriate action or other sanction, including but not limited to, revocation of the violator's privilege to bring electronic devices within the courthouse. Violations of any provision of this rule by an attorney inside a courtroom may result in revocation of the attorney's privilege to bring electronic devices into the courthouse, fines, or other actions deemed appropriate by the judicial officer.

**(f) Attorney Agreement.** An attorney seeking to use an electronic device within the courthouses shall execute and comply with an agreement in the following form and submit the executed agreement to the local United States Marshal's Office and Court Security Officers prior to the attorney's initial use of the device pursuant to this rule.

### **Agreement**

Attorney Name:

Firm Name:

Address:

Telephone No.:

B.P.R. No.:

I agree that my possession of any electronic devices beyond the security checkpoints within courthouses of the United States District Court for the Eastern District of Tennessee will be in strict compliance with the provisions of E.D. Tenn. LR 83.1 and this Agreement. I further agree that I will not, while on court premises, allow anyone else to use any electronic device that I bring or cause to be brought into a district courthouse except in compliance with E.D. Tenn. LR 83.1. I acknowledge that I have read and understand E.D. Tenn. LR 83.1.

I understand that any violation of this Agreement may result in the loss of my privilege to bring electronic devices into any district courthouse, fines or other appropriate action, including confiscation of the device.

I understand and agree that United States Deputy Marshals and Court Security Officers may enforce this Agreement, E.D. Tenn. LR 83.1 and any other applicable rules and orders of the Court governing use of electronic devices and may confiscate the device if they, in their discretion, determine that: (1) there has been a violation of this Agreement, the foregoing rules, or any other applicable rules and orders of the Court governing use of electronic devices; or (2) use of the electronic device could pose a threat to courthouse security.

I understand and agree that the Court may terminate this Agreement and my use of electronic devices under this Agreement without notice, for any reason and in its sole discretion.

I will provide the United States Marshal's Office and Court Security Officers with a signed copy of this Agreement prior to my initial use of any electronic device pursuant to E.D. Tenn. L.R. 83.3.

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Attorney Signature

Copies of the foregoing agreement are available on the Court's website and from the United States Marshal's Office and Court Security Officers.

**SO ORDERED.**

**ENTERED BY THE COURT JUNE 1, 2015:**

s/Thomas A. Varlan  
Chief United States District Judge