

SDNY Reverses Policy Banning Use of Electronic Devices in Courthouse

The Southern District of New York (SDNY) reversed its policy banning the use of electronic devices in the courthouse. The SDNY's order dated February 17 provides that, with some limitations, attorneys with appropriate identification will be able to bring cell phones, PDAs and notebook computers into courthouses beginning on April 1.

The SDNY decided last summer to re-evaluate its policy and invited the bar's participation through written comments and a public hearing. NYCLA's Federal Courts Committee, led by David Loh and Richard Schoenstein, issued a Report, adopted by NYCLA, advocating for the reversal of the SDNY's policy. Among other things, the Report noted that the SDNY's policy imposed a burden on clients and their attorneys and might be perceived as unfair:

Without the use of cell phones and PDAs, and particularly their email features, attorneys who practice regularly in the courthouse are often blocked from contact with their clients, adversaries or other courts for hours at a time....Moreover, Assistant United States Attorneys and other government lawyers already enjoy the use of cell phones and PDAs inside the courthouse and, absent a compelling reason, we respectfully submit that their adversaries in private practice should be afforded the same privileges.

The Federal Courts Committee's Report noted that NYCLA's Cyberspace Law Committee and Solo & Small-Firm Practice Committee endorsed the use of cell phones, laptops, PDAs and other electronic devices in the courthouse. NYCLA President Ann B. Lesk submitted the Federal Courts Committee's Report to the SDNY and testified at the SDNY's public hearing.

To read the order issued by Hon. Loretta A. Preska, chief judge, SDNY, go to: [Order](#). To read NYCLA's Report, go to www.nycla.org and click on News & Publications and then on Board Reports & Resolutions.

Please Note: A new cell phone pass can be obtained from the District Court Executive's office at 500 Pearl Street, 8th floor.