

**IN THE CIRCUIT COURT FOR THE TWENTY-THIRD JUDICIAL CIRCUIT  
GENERAL ORDER 22 - 01**

***In re the Amendment of Local Rule  
1.60 of the 23<sup>rd</sup> Judicial Circuit***

**FILED**

**JAN 04 2022**

**MATTHEW G. PHOENIX  
CIRCUIT CLERK KENDALL CO.**

The majority of the Circuit Judges of the 23<sup>rd</sup> Judicial having determined that the Local Rule 1.60 of the 23<sup>rd</sup> Judicial Circuit should be amended as provided herein, and the majority of the Circuit Judges of the 23<sup>rd</sup> Judicial Circuit having agreed with the entry of this order;

**THEREFORE, IT IS ORDERED** that the Local Rule 1.60 of the 23<sup>rd</sup> Judicial Circuit shall be amended as follows:

The existing version of Local Rule 1.60 is deleted in its entirety and is replaced by the following:

**1.60 USE OF ELECTRONIC DEVICES AND PHOTOGRAPHY /VIDEO WITHIN COURT  
FACILITIES**

- A. The purpose of this rule is to implement the provisions of the Supreme Court Rule 44 and MR. No. 2634 in order to provide for the orderly administration of justice. This order shall not be applied in such a way as to conflict with any Supreme Court Rule.
- B. This policy is written with the understanding that many spaces within the courthouse buildings are "open" to the public, but that they are not "public fora" for purposes of First Amendment analysis because they are "not by tradition or designation a forum for public communication." *Perry Educ. Ass'n*

*v. Perry Local Educators' Ass'n*, 460 U.S. 37, 46, 103 S. Ct. 948, 955, 74 L. Ed. 2d 794 (1983); see also *Hodge v. Talkin*, 799 F.3d 1145, 1158 (D.C. Cir. 2015) (finding that outdoor Supreme Court plaza is not a “public forum”). “In addition to time, place, and manner regulations, the [Court] may reserve the forum for its intended purposes, communicative or otherwise, as long as the regulation on speech is reasonable and not an effort to suppress expression merely because public officials oppose the speaker’s view.” *Id.* The Court’s legitimate concern in this area is protection of the privacy and security of all courthouse patrons, especially that of jurors and witnesses.

- C. This Court has the authority to completely ban cellphones from the courthouse premises, as many other jurisdictions do. However, recognizing the ubiquity of cellphones in our society, and not wishing to interfere in their use beyond the extent which is necessary, the Court has decided not to adopt an outright prohibition against bringing cellphones into the courthouse buildings. The Court is compelled, however, to ensure that the presence of cellphones, and particularly their use to record audio or video, must not compromise court security, the privacy of patrons, or the fundamental mission of the Court.
- D. For purposes of Local Rule 1.60, a “cellphone” includes smartphones, flip phones, tablets, and computers. An “Internet Capable Device” (ICD) is defined as any device capable of connecting to, and exchanging data via, the Internet, an Intranet, WiFi, or wireless/cellular connection.

**E. Communication and Data Transmission – Courtrooms.** The use of a cellphone, ICD or other device within a courtroom to communicate via voice, text, email, social media, broadcast, or other medium is prohibited unless permitted pursuant to one of the below exceptions:

1. By an officer of the court in order to discreetly attend to court business;
2. As permitted pursuant to court order under the Supreme Court's Extended Media Coverage Policy and/or Local Rule 1.65;
3. As may be necessary for trial presentation or remote hearing connection; or
4. As authorized by the judge presiding in the courtroom in question.

Except as authorized by this rule, any cellphone or ICD must be turned off and kept out of sight when within a courtroom. The use of a cellphone or ICD within a courtroom without proper authorization may result in the device being confiscated by the court and the owner/operator being held in contempt of court.

**F. Photography, Video and Audio Recording - Courtrooms.** The use of any cellphone, ICD, camera, or other device to photograph, broadcast, or record video or audio of any judicial proceeding in a courtroom, including remote court proceedings, whether surreptitious or not, is prohibited unless expressly permitted pursuant to one of the following exceptions:

1. Where permitted pursuant to a court order under the Supreme Court's Extended Media Coverage Policy or Local Rule 1.65;


2. For purposes of facilitating permission in a remote appearance pursuant to Supreme Court Rules 45 and 241;
  3. If permitted by the judge, for ceremonial events such as marriages, investitures, judicial speaking events, and graduations in problem solving courts;
  4. If permitted by the judge, for parties and/or counsel to make a copy of a court order or other paperwork received in court; or
  5. The taking of the record of court proceedings by court reporting personnel pursuant to Illinois Supreme Court Rule 46.
- G. **Photography, Video and Audio Recording – Outside Courtrooms But Within Court Facilities.** The use of cellphones, ICD's, cameras, or other devices for purposes of recording audio or video outside of the courtrooms but within court facilities is prohibited, with the following exceptions:
1. In relation to news media coverage in the general vicinity of the courtroom matter being covered, if permitted under Local Rule 1.65, but not including filming of the interior of the courtroom from a vantage point outside the courtroom, such as through a doorway or window;
  2. For ceremonial events such as weddings and adoptions, though care must be taken to avoid including unrelated parties in such photographs or recordings without their consent; or
  3. As specifically permitted by the Presiding Judge of the county.

- H. The use of a cellphone, ICD, or any other device to surreptitiously photograph, or to record or broadcast video or audio, in any part of the courthouse is prohibited.
- I. Facilitation of Court Proceedings. Audio and/or video communication equipment may be used to facilitate court proceedings as authorized pursuant to:
  - 1. Local Rule 8.20 – Criminal Defendant’s Appearance by a Two-Way Audio/Video Communication System;
  - 2. In accordance with each county’s policy for remote court appearances or language access;
  - 3. As authorized and approved in advance by a presiding judge or the chief judge; or
  - 4. Illinois Supreme Court Order MR 30370 entered March 17, 2020.
- J. Security and Closed Circuit Cameras Recordings. This rule does not prohibit security and closed circuit cameras operated by the Sheriff of each county for security purposes. All recordings from security and closed circuit cameras monitoring court facilities are the property of the Court regardless of whether actual possession is with another party.
- K. The foregoing order does not prohibit the use of video equipment used for court sanctioned remote conferencing of hearings, etc. However, any person appearing in a remote video or audio conference is PROHIBITED from photographing, recording, or broadcasting any part of the proceedings.

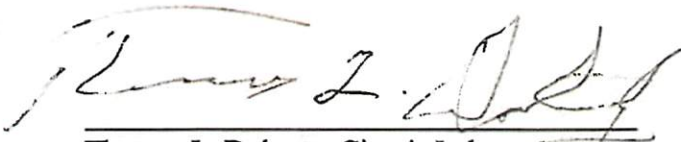
L. Violations of this order may be punished by expulsion from the building and/or contempt proceedings.

This order shall be effective immediately.

Enter this 3<sup>rd</sup> day of January, 2022.

  
Melissa S. Barnhart, Circuit Judge


  
Marcy L. Buick, Circuit Judge

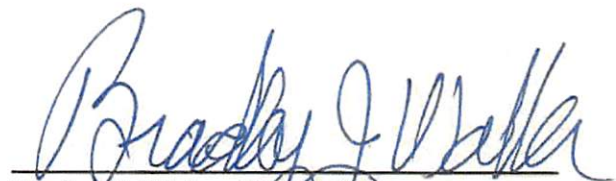
  
Thomas L. Doherty, Circuit Judge

  
Jody P. Gleason, Circuit Judge

  
Stephen L. Krentz, Circuit Judge

  
Joseph C. Pedersen, Circuit Judge

  
Robert P. Pilmer, Circuit Judge

  
Bradley J. Waller, Circuit Judge