**C. USE OF ELECTRONIC DEVICES IN COURTROOMS**

1. Discretion of Presiding Judge

This Practice Direction is meant to provide general guidance on the use of electronic devices in courtrooms; however, the presence and use of electronic devices are ultimately at the discretion of the presiding judge.

1. Definitions

The following definitions apply:

* 1. A “courtroom” is a room in which a hearing takes place before a judicial officer, and includes virtual court proceedings and court proceedings conducted by telephone conference.
	2. A “judicial officer” is a Justice of the Supreme Court, a Registrar, the Prothonotary, or the Deputy Prothonotary.
	3. An “electronic device” is any device capable of transmitting and/or recording data, audio or video, including smartphones, cellular phones, computers, laptops, tablets, notebooks, personal digital assistants, pagers, video or still cameras, audio recorders or any other device which produces, records or transmits texts, audio, video, or still photographs.
1. Publication Bans, Sealing Orders, Restrictions on Publication

Nothing in this Practice Direction alters the effect of a discretionary publication ban, sealing order, restricted access order or confidentiality order, nor does it alter any publication ban or related order or other restriction imposed by statute or the court. Anyone using an electronic device to transmit information from the courtroom, in accordance with this Practice Direction, must comply with any such restrictions.

1. Permitted Uses of Electronic Devices in Courtrooms
	1. All court participants are encouraged to consult the court’s *Access to Court Records Guide* (the “*Guide*”), available on the court’s website at [*www.courts.pe.ca*](http://www.courts.pe.ca), and other Practice Directions regarding the use of electronic devices in courtrooms.
	2. Individuals may use electronic devices in silent mode and in a discreet and unobtrusive manner, unless the presiding judge orders otherwise.
	3. Members of the media who have given a written undertaking to the court, in the form attached as Schedule “A”, may use electronic devices to transmit information, or to audio record a proceeding, but only for the purpose of verifying their notes and not for rebroadcast or any other purpose.
	4. On occasions where a person seeks to use an electronic device, including a cellular phone, for any purpose other than a purpose specifically authorized in the *Guide*, or this Practice Direction, leave of the court is to be sought.
2. Use of Cellular Phones by Lawyers or Self-Represented Parties in Courtrooms
	1. During a proceeding, lawyers and self-represented parties may use their cellular phones only for purposes that are consistent with the court process, such as to check calendars for an upcoming hearing.
	2. If a lawyer or self-represented party wishes to use their cellular phone for another purpose, they are to seek leave of the presiding judge, or request a recess.
3. Restrictions on the Use of Electronic Devices in Courtrooms

 An electronic device may not be used in a courtroom:

* 1. in a manner which interferes with the court sound system or other technology;
	2. in a manner which interferes with courtroom decorum, is inconsistent with the court functions, or otherwise impedes the administration of justice;
	3. in a manner which generates sound or requires speaking into the device;
	4. to take a photograph or video, or to record or digitally transcribe the proceedings except as permitted by this Practice Direction; or
	5. to send publicly accessible live communication of any information that is subject to a publication ban or a witness exclusion order.
1. Media in the Courthouse

The following rules apply to media activity in the courthouse, including media filming, picture taking and interviewing:

1. Obstructing or hindering the free movement of persons in public areas, including by stopping in front of them or by blocking their passage, is prohibited.
2. Pursuing individuals with cameras or microphones is prohibited.
3. Requesting an interview from a person is permitted, except while that person is in the courtroom or exiting the courtroom.
4. Filming, picture taking, or interviewing in the general vicinity of courtrooms or near entrance and exit doors is prohibited.
5. Filming, picture taking, and interviewing are permitted only within designated areas in the public section of the courthouse. Designated areas for picture taking are:
	1. ground level in the public area, and second level in the public foyer, subject to (d.) above.
	2. Designated areas for interviews are rooms or spaces authorized by the Court Services Manager or her designate, including the ground level jury room when unoccupied.
6. Where the person consents to give an interview, the member of the media and such person must move to the designated area.
7. Safety instructions, security zones and cautious use of the stairs must always be respected.
8. Any person may contact the court security to have the rules enforced.
9. Sanctions

A person using an electronic device in a manner prohibited by this Practice Direction may be subject to one or more of the following sanctions:

* 1. a direction to turn off the electronic device;
	2. a direction to leave the courtroom;
	3. citation and prosecution for contempt of court;
	4. prosecution for any violation of a publication ban, sealing order, or other restriction on publication, if applicable; or
	5. any other order of the court.
1. WI-FI Network

Lawyers, law clerks, self-represented parties, members of the media, law enforcement officers, and such other person as may be permitted by the court, may use the court’s WI-FI network by obtaining a password from the Registrar, for a period of up to five days. To attend hearings exceeding five days, such person will be required to obtain a new password when the first password expires.

Disclaimer: The court’s WI-FI network only provides connectivity. The court is not responsible for the availability, performance, or security of the WI-FI network, or for any device using a network. The owner of any electronic device is solely responsible for their own technical support.

**SCHEDULE “A” TO USE OF ELECTRONIC DEVICES IN COURTROOMS PRACTICE DIRECTION**

**Media Undertaking for the use of Electronic Devices in Courtrooms of**

**the Supreme Court of Prince Edward Island**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Province of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (name of media organization) do hereby undertake to follow the requirements of the Supreme Court’s Practice Direction: *Use of Electronic Devices in Courtrooms*, including the restrictions on use of electronic devices.

I understand that if I use an electronic device in a manner prohibited by the court’s Practice Directions, I may be subject to any of the sanctions set out in the Practice Directions.

I understand that I may use an electronic device to transmit information, or to audio record a proceeding for the sole purpose of verifying my notes and not for rebroadcast or any other purpose.

I agree to use my electronic device in the courtroom in silent mode and in a discreet and unobtrusive manner, unless the presiding judge orders otherwise.

I agree to follow any publication ban, sealing order, restricted access order, confidentiality order, or any other restriction imposed by statute or court order that limits the publication of information.

Finally, I understand that the presiding Justice of the Supreme Court has the ultimate decision-making authority about what, if any, use can be made of electronic devices in a courtroom.

Dated this \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

20\_\_\_\_\_\_.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Signature

**Note**: It is the responsibility of the member of the media to advise the court, and Sheriff Services, in advance of each hearing that they wish to use an electronic device in the courtroom.