

Protocol on the Use of Electronic Devices in the Courtroom

1. Purpose

This protocol outlines how electronic devices may be used in courtrooms of the Superior Court of Justice (Ontario) by counsel, licensed paralegals, law students and law clerks assisting counsel, self-represented litigants, and media or journalists.

Note: This protocol does not apply to persons who require electronic devices (or services requiring the use of electronic devices) to accommodate a disability.

2. Definitions

Electronic Devices:

For the purposes of this protocol, “electronic devices” include all forms of computers, personal electronic and digital devices, and mobile, cellular, and smart phones.

Publicly Accessible Live Communications: For the purposes of this protocol, “publicly accessible live communications” are defined as the act of using an electronic device to transmit information from the courtroom to a publicly accessible medium (e.g., via Twitter or live blogs).

Judge:

For the purpose of this protocol, “judge” means

- (1) all judges, traditional masters, and case management masters of the Superior Court of Justice, and
- (2) provincial judges and deputy judges of the Small Claims Court.

3. Prohibited Use of Electronic Devices by the Public

Members of the public are **not permitted** to use electronic devices in the courtroom unless the presiding judge orders otherwise.

4. Use of Electronic Devices in the Courtroom

Unless the presiding judge orders otherwise, the use of electronic devices in silent mode and in a discreet and unobtrusive manner is permitted in the courtroom by,

- counsel;
- paralegals who are licensed by the Law Society of Upper Canada;
- law students and law clerks assisting counsel during the proceeding;
- self-represented parties; and,
- media or journalists

subject to the following restrictions:

- a. The electronic device cannot interfere with courtroom decorum or otherwise interfere with the proper administration of justice.

- b. The electronic device cannot interfere with the court recording equipment or other technology in the courtroom.

- c. The electronic device cannot be used to send publicly accessible live communications where to do so would breach a restriction on publication made in the proceeding.

Note: Anyone using an electronic device to transmit publicly accessible live communications from the courtroom has the responsibility to identify and comply with any publication bans, or other restrictions that have been imposed either by statute or by court order.

- d. The electronic device cannot be used to take photographs or videos unless the judge has granted permission to do so, in

accordance with s. 136 of the [Courts of Justice Act](#).

e. Only counsel, self-represented parties, the media and journalists are permitted to use electronic devices to make an audio recording of the proceeding and only for the purpose of note-taking. However, such audio recordings cannot be sent from the electronic device.

f. Talking on electronic devices is not permitted in the courtroom.

5. Enforcement

Anyone who uses an electronic device in a manner that is inconsistent with this protocol, any orders of the presiding judge or that the presiding judge determines to be unacceptable may be:

- a. subject to prosecution for breaches of section 136 of the [Courts of Justice Act](#), a citation and prosecution for contempt of court, or prosecution for other offences;
- b. ordered to turn off the device;
- c. ordered to leave the device outside the courtroom;
- d. ordered to leave the courtroom; and/or,
- e. ordered to abide by any other order the presiding judge may make.

Effective Date: February 1, 2013