

USE OF PORTABLE ELECTRONIC DEVICES WITHIN THE APPELLATE DIVISION, SECOND DEPARTMENT FACILITY

As a convenience to counsel, litigants and the public as a whole, the Appellate Division, Second Judicial Department permits the use of *portable electronic devices*, such as cellular telephones, laptop computers, personal digital assistants and similar devices, in the Attorneys' Lounge and in the Clerk's Office. Such devices may also be used in the Courtroom, but only by an attorney or self-represented litigant whose case is being argued or whose case is next to be argued, to refer to notes, briefs, or the record, perform legal research, and to take notes during the oral argument of his or her case. When used in the courtroom, such devices must be completely inaudible, shall not be used to make or receive telephone calls, and shall not be used by any person or for any purpose other than as set forth in the preceding sentence.

Individuals using electronic devices are asked to be courteous to those around them, and to comply with the directions of the members of the court's staff. Please bear in mind that the use of a portable electronic device within the Court's facility is subject to the authority of the Presiding Justice, the Associate Justice then-presiding, the Clerk of the Court, and the Chief of Security to prohibit activity that may be disruptive or distracting to Court operations, or that may otherwise be contrary to the administration of justice.

The use of *audio-visual recording equipment*, including, but not limited to, portable electronic devices, for photographing, or audio or video recording, transmission or broadcasting within the Court's facility is strictly prohibited, unless the prior express consent of the Presiding Justice, the Associate Justice then-presiding or the Clerk of the Court is obtained (see Rules of Chief Judge [22 NYCRR] § 29.1).