

*Section 7.01: Contempt—criminal*

order of contempt shall recite the facts and shall be signed by the judge and entered of record.

- (b) **Disposition Upon Notice and Hearing.** A criminal contempt except as provided in subdivision (a) of this rule shall be prosecuted on notice. The notice shall state the time and place of hearing, allowing a reasonable time for the preparation of the defense, and shall state the essential facts constituting the criminal contempt charged and describe it as such. The notice shall be given orally by the judge in open court in the presence of the defendant or, on application of the United States attorney or of an attorney appointed by the court for that purpose, by an order to show cause or an order of arrest. The defendant is entitled to a trial by jury in any case in which an act of Congress so provides. The defendant is entitled to admission to bail as provided in these rules. If the contempt charged involves disrespect to or criticism of a judge, that judge is disqualified from presiding at the trial or hearing except with the defendant's consent. Upon a verdict or finding of guilt the court shall enter an order fixing the punishment.

**Criminal contempt procedures**

Fed. R. Crim. P. 42 prescribes two different procedures, depending on whether or not the judge personally observes the contemptuous conduct and whether or not immediate action is required.

**Procedure when contemptuous conduct is personally observed by the court and immediate action is required**

When you see or hear contemptuous conduct, you may but are not compelled to proceed under Fed. R. Crim. P. 42(a).

This summary procedure is appropriate only when immediate action is needed. It is reserved for conduct that actually disrupts or obstructs court proceedings and for situations in which immediate action is necessary to restore the court's authority. The