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**IN THE SUPREME COURT
STATE OF ARIZONA**

In the Matter of: PETITION TO AMEND COURT RULES REGARDING COURT COPY FEES IN COMPUTERLESS COURTS	Supreme Court No. R-26-_____ PETITION
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Pursuant to Rule 28, Rules of the Supreme Court of Arizona, Eli Dalton-Webb hereby petitions in the Arizona Supreme Court to amend Arizona Supreme Court Rule 123 regarding the charge of court documents in courts in which there is no public records computer. Many inferior courts, such as justice and municipal courts, are very behind on technology. The Arizona Superior Courts, Court of Appeals, and the Arizona Supreme Court all have physical computers in the physical court buildings where the public can go in and access court documents, for free, on the computers. However, in these inferior courts, many do not have computers for the public to go on and access court documents. I am requesting that the Arizona Supreme Court consider clarifying the records policy and making it so that, even in courts without these public computers, people can still browse court documents for free. Article 2 § 11 of the Arizona Constitution requires that justice be administered openly, and that includes open

documents. We cannot have open courts if people are charged money for accessing court documents, as money is a finite resource for everyone, especially those who are less monetarily fortunate.

In Appendix A is the proposed rule changes, in compliance with Rule 28(a)(4)(A)(ii) and Rule 28(a)(4)(A)(iii).

Pursuant Rule 28(a)(4)(A)(iv), no similar petition has been filed by anyone within the previous 5 years.

Submitted respectfully this day, 8 April 2025,

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Eli Dalton-Webb

APPENDIX A

PROPOSED RULE CHANGES:

RULES OF THE SUPREME COURT OF ARIZONA

Rule 123. Access to Judicial Records of the State of Arizona

(a)-(e) [no change]

(f) Access to Records in Paper Medium.

(1) Filing a Request. A request to inspect or obtain copies of records that are open to the public shall be made orally or in a written format acceptable to the custodian. The request shall specify any commercial use intended for the records. All requests for copies must include sufficient information to reasonably identify what is being sought. The applicant shall not be required to have detailed knowledge of the court's filing system or procedures.

(2) Timely Response. Upon receiving a request to inspect or obtain copies of records, the custodian shall promptly respond orally or in writing concerning the availability of the records, and provide the records in a reasonable time based upon the following factors:

(A) Immediate availability of the requested records;

(B) Specificity of the request and need for clarification;

(C) Amount of equipment, materials, staff time and other resources required to satisfy the request; or

(D) Whether the requested records are located at the court or in off-site storage.

(3) Cost; Non-Commercial and Commercial Purposes.

(A) Applicants who request records for non-commercial purposes shall not be charged any fee for the cost of searching for a record or redacting confidential information from a record, except as provided by statute, nor shall they be required to disclose the intended purpose or use of the records. If no fee is prescribed by statute, the custodian shall collect a per page fee based upon the reasonable cost of reproduction.

(B) An applicant requesting copies, printouts or photographs of records for a commercial purpose shall provide a verified or acknowledged statement to the custodian setting forth the commercial purpose and specific use intended for the records. If the custodian has reason to believe an applicant has failed to adequately disclose the commercial purpose or use of the requested records, the custodian may require additional information regarding the intended use of the records. The custodian shall collect a fee for the cost of:

- (i) obtaining the original or copies of the records and all redaction costs; and
- (ii) the time, equipment and staff used in producing such reproduction.

Notwithstanding the above provision, the Clerks of the Supreme Court and the Court of Appeals shall distribute copies of opinions to authorized publishers free of charge for publication pursuant to law and Ariz.Const. Art. 6, § 8.

(C) The custodian may make billing or payment arrangements with the applicant before satisfying the request, and is authorized to receive and hold deposits for estimated costs until costs are finally determined.

(D) IN COURTS WHERE THERE IS NO PUBLIC COMPUTER TERMINAL FOR THE PURPOSE OF ACCESSING COURT RECORDS FOR FREE OR IN INSTANCES WHERE THE RECORDS REQUESTED ARE NOT ACCESSIBLE ON SUCH PUBLIC COMPUTER TERMINAL, THE CUSTODIAN SHALL PROVIDE COPIES OF COURT RECORDS, FREE OF CHARGE, TO THE APPLICANT FOR THE APPLICANT TO INSPECT RECORDS, AND MAY REQUIRE THE APPLICANT TO NOT LEAVE THE PRESENCE OF THE CUSTODIAN OR VICINITY OR DEFINED AREA OF THE COURT UNTIL SUCH COPIES ARE RETURNED TO THE CUSTODIAN. NON-DISRUPTIVE PHOTOGRAPHY OF SUCH COPIES IN THE POSSESSION OF THE APPLICANT SHALL NOT BE PROHIBITED.

(4) Delay or Denial; Explanation.

(A) The custodian is required to comply with any request for records, except requests that are determined:

- (i) to create an undue financial burden on court operations because of the amount of equipment, materials, staff time and other resources required to satisfy the request;
- (ii) to substantially interfere with the constitutionally or statutorily mandated functions of the court or the office of the custodian;
- (iii) to be filed for the purpose of harassing or substantially interfering with the routine operations of the court; or

(iv) to be submitted within one month following the date of a prior request, that is substantially identical to one received from the same source or applicant and previously denied, unless applicable rules, law or circumstances restricting access have changed.

(B)(i) If a request cannot be granted within a reasonable time or at all, the custodian shall inform the applicant in writing of the nature of any problem delaying or preventing access, and if applicable, the specific federal or state statute, law, court or administrative rule or order that is the basis of the delay or denial. If access to any record is denied for any reason, the custodian shall explore in good faith with the applicant alternatives to allow access to the requested records, including redaction of confidential information.

(ii) If unsuccessful, the custodian shall meet with the judge having immediate, supervisory responsibility for the daily operations of the respective court, to determine if an alternative means of access to the records may be provided for the applicant.

Thereafter, as soon as practicable, the judge shall inform the applicant if the denial is affirmed. Reviews of the foregoing denial and all other denials shall be conducted in accordance with the provisions of paragraph (f)(5) below.

(5) Review of Denials to Access Records.

(A) Any applicant who is denied access to or copies of any record, bulk data, or compiled data pursuant to this rule, shall be entitled to an administrative review of that decision by the presiding judge. The request for review must be filed in writing with the custodian who denied the request within 10 business days of a denial made under

paragraph (f)(4) above. The custodian shall forward the request for review, a statement of the reason for denial, and all relevant documentation to the presiding judge or a designee within 5 business days of receipt of the request for review. The presiding judge or designee shall issue a decision as soon as practicable considering the nature of the request and the needs of the applicant, but not more than 10 business days from the date the written request for review was received.

(B) Any party aggrieved by the decision of the presiding judge or designee may seek review by filing a special action pursuant to the Rules of Procedure for Special Actions. If the decision challenged by the special action was issued by a judge of the superior court or court of appeals, the special action shall be filed in the court of appeals. If the decision was issued by a supreme court justice, the special action shall be filed in the supreme court.

(g)-(j) [no change]