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IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of

In Re: R-25-0031

PETITION TO AMEND RULE 122 OF
THE RULES OF THE SUPREME
COURT OF ARIZONA

**ARIZONA PROSECUTING
ATTORNEYS' ADVISORY
COUNCIL COMMENT IN
SUPPORT**

The Arizona Prosecuting Attorneys' Advisory Council ("APAAC")
respectfully submits the following comment supporting Petition R-25-0031, which
proposes to amend Rule 122, of the Rules of the Supreme Court of Arizona,
pertaining to the use of recording devices in a courtroom.

As detailed in the Petition, this proposed amendment arose out of judicial
proceedings in which a defendant used a smartphone to broadcast and livestream the
proceedings to his YouTube channel, after only giving "notice" to the court. In so
doing, this defendant effectively targeted and amplified his harassment towards
numerous participants in the proceedings. This technology made it difficult to

1 maintain the integrity of the court proceedings and ensure that the proceedings did
2 not result in further harassment to those participating in them.

3 Rule 122, governing the use of recording devices in a courtroom, appears to
4 draw a somewhat confusing distinction between the use of “personal audio
5 recorders” and “recording device[s].” Personal audio recorders are devices used “to
6 record audio only,” and is held, on, or next to the person operating the device. *Id.* at
7 (b)(6). Recording devices are defined as cameras, smart phones, and “audio
8 recorder[s].” Ariz. Sup. Ct. R. 122(b)(8).

9 Under the current rule, defendants may attempt to evade the requirements by
10 arguing that their smart phones are recording audio only, and therefore qualify as
11 “personal audio recorder[s],” rather than “recording device[s].” The proposed rule
12 change provides clear guidance to trial courts when dealing with such individuals
13 who wish to broadcast proceedings. Further, the proposed change ensures that trial
14 courts have the discretion with respect to all recording or broadcasting that may
15 occur in their courtroom.

16 The safety of all participants in our justice system, including attorneys,
17 victims, and defendants, is paramount. Our rules should provide courts with the tools
18 to clearly address any such dangers. Without clarification, this type of widespread
19 broadcasting could have a chilling effect on the participation of the parties, as well
20 as the merits of cases.

1 The proposed amendment does not unduly burden any party wishing to record
2 and/or broadcast the proceedings. Rather, the proposed amendment merely requires
3 individuals seeking to record or broadcast the proceedings to seek permission from
4 the trial court, as well as give all parties the chance to be heard before the court
5 decides whether to grant such a request.

6 Accordingly, for the reasons stated herein, APAAC respectfully supports the
7 proposed amendment to Rule 122, of the Arizona Supreme Court Rules.

8 Respectfully submitted this 29th day of April, 2025.

9
10 /s/ Elizabeth Burton Ortiz
Elizabeth Burton Ortiz