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**IN THE SUPREME COURT
STATE OF ARIZONA**

In the Matter of

PETITION TO AMEND RULE 122,
RULES OF THE SUPREME COURT

Supreme Court No. R-25-0031

**Reply in Support of Petition to Amend
Rule 122, Rules of the Supreme Court**

Pursuant to Rule 28, Rules of the Supreme Court, Matthew A. Walker respectfully submits his reply in support of his petition to adopt amendments to Rule 122, Rules of the Supreme Court, governing recording in courtrooms, as set forth herein, and incorporating the previously submitted petition and appendix.

I. The Proposed Rule Amendment Should Be Adopted.

I appreciate the Arizona legal entities that have supported this petition.

The vast majority of the responses in opposition to the petition appear to misunderstand both the relevant law, as well as the purpose behind the petition. To reiterate, there is no absolute First Amendment right to *digitally broadcast* court proceedings. And there never has been. If there were, there would be no need for courtroom sketch artists.

Consequently, those arguing that this rule change restricts First Amendment rights or will lead to “secret courts” miss the mark. The petition does not seek to limit either the right to open court or the right to report on court proceedings. As the petition acknowledged, those rights are fundamental and paramount. Everyone is welcome to sit in an Arizona courtroom and judge for themselves the fairness and efficacy of Arizona’s court proceedings. Everyone is free to report on what occurs there. And—upon a *request* to the court—entities may be entitled to broadcast what occurs there as well.

The petition does not even seek to prevent court livestreaming. But whether, and to what extent, such livestreaming or broadcasting occurs must be at the discretion of each individual judge—not a subjective interpretation of a court rule that predated the advent of smartphones and other modern-day technologies that allow such broadcasting to occur. All the petition asks this Court to clarify is whether court attendees have an *unfettered right* to broadcast court proceedings, only upon notice to the court, as many seem to think Rule 122(h) grants. For those stating the law already allows courts to restrict broadcasting and recording, it is not clear why they oppose this petition at all. Regardless, this confusion warrants clarification and guidance from this Court.

The petition appears to have generated a significant amount of out-of-state interest, which is probably not surprising, given that it seeks to restrain a method through which those out-of-state commenters consume content. But court proceedings are not meant to be consumed as “content.” Court proceedings impact lives. They impact the lives of civil plaintiffs and defendants, of victims, of witnesses, and of criminal defendants. Indeed, many criminal defendants who go into court likely do so at a low

point in their lives. They may not want these low points redistributed as “content” all over the world, simply so YouTube creators can make money off of their circumstances. And those defendants should have the opportunity to express that to a judge as well.

Many of the comments are directed at me personally, which is as bizarre as it is illuminating, given that I have not, to my knowledge, ever interacted with any of those commenters. I will let these comments and the commenters speak for themselves. This Court should absolutely consider each individual comment as it considers whether an individual should be able to broadcast court proceedings only upon notice to the court.

The number of anonymous or quasi-anonymous responses to the petition is also telling. Commenters are required to provide personal information in their response, and many opted not to do so. It is clear that those commenting anonymously in this supreme court rule petition *public forum* recognize and acknowledge the importance of safeguarding their own personal information, even as they urge an absolute right to obtain information regarding others confronting far more serious issues in a courtroom.

I wanted to specially acknowledge Arizona resident and commenter Roy Tripoloni’s thoughtful comment, notwithstanding that it opposes the petition. To be clear, I do not necessarily disagree with him: Rule 122(h) probably has been inconsistently interpreted and inconsistently applied. Of course, sometimes this is simply the way things go in different courtrooms, in front of different judges. And perhaps the fairest outcome is for each courtroom to have its own audio livestream, with notice to everyone in the courtroom, that family of court participants, media members, and otherwise disinterested observers can access—no more, no less. Many courts already do this.

Absent that, however, discretion regarding broadcasting must remain with the judge—as discretion for all other rulings and business within an individual courtroom remains with the judge. This petition seeks to do exactly one thing: ensure that judges can proceed with the confidence that they retain that discretion. I urge this Court to amend Rule 122 consistent with the petition and comments in support of amendment.

RESPECTFULLY SUBMITTED this SECOND day of JUNE, 2025

By /s/
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