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**IN THE SUPREME COURT
STATE OF ARIZONA**

In the Matter of:	)	Supreme Court No.
	)	R-25-0039
Petition to Amend Court Rules Regarding	)	
Court Copy Fees in Computerless Courts	)	Comment
	)	
_____	)	

David K. Byers (“Commentor”) hereby submits this Comment regarding Rule
Petition No. R-25-0039 (“Petition”) filed by Mr. Eli Dalton-Webb (“Petitioner”).

I. Procedural Background

Petitioner filed Rule Petition R-25-0039 on April 8, 2025 to propose adding a new subpart (D) to Supreme Court Rule 123(f)(3) to clarify that members of the public are permitted to browse court case files at no charge and to make explicit that non-disruptive photography of the records is permitted. This Court granted Petitioner’s request for expedited review and opened the Petition for comment until June 16, 2025. This Court will consider the Petition and any comments at this Court’s August 2025 Rules Agenda.

II. Discussion

Although Commentor is not aware of any court engaging in the practices that the proposed amendments seek to address, much of what Petitioner proposes is substantively duplicative of the current provisions of Supreme Court Rule 123 relating to fees and the ability to remove records from the office where they are kept. For example, Supreme Court Rule 123(f)(3)(A) provides:

(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.

Additionally, Supreme Court Rule 123(i)(1) provides:

(1) *Access to Original Records.* During regular business hours a person shall be allowed to inspect or obtain copies of original versions of records that are open to the public in the office where such records are normally kept. If access to original records would result in disclosure of information which is not permitted, redacted copies of the closed records may be produced. If access to the original records would jeopardize the integrity of the records, or is otherwise impracticable, a copy of the complete records in other appropriate formats may be produced for inspection. Unless expressly authorized by the custodian or court order, records shall not be removed from the office where they are normally kept.

Commentor also has concerns that Petitioner's proposed amendments may create confusion and conflict with other existing authorities because as drafted, the proposed amendments do not account for other authorities that may require a fee to be imposed

in certain circumstances (e.g., fees for copies and when research is required to locate a record). *See* A.R.S. §§ 12-284 and 22-281, Supreme Court Rule 123(f)(3)(A), and the Arizona Code of Judicial Administration §§ 3-404 and 4-303.

Lastly, this Court recently established the Task Force on Rules of the Supreme Court of Arizona (“Task Force”) by Administrative Order No. [2025-89](#). In carrying out its charge, the Task Force may propose substantive amendments to Supreme Court Rule 123. As such, if this Court is inclined to consider adopting Petitioner’s proposed rule amendments in any form, Commentor believes it would be beneficial to wait until the Task Force has completed its work relating to Supreme Court Rule 123.

III. Request

For the reasons stated above, Commentor respectfully requests that this Court deny the Petition or in the alternative, defer making a decision on the Petition until the Task Force on Rules of the Supreme Court of Arizona has completed its work relating to its recommendations regarding Supreme Court Rule 123.

Respectfully submitted this 3rd day of June, 2025.

By /s/ David K. Byers
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