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On behalf of the Arizona Steering Committee on
Artificial Intelligence and the Courts
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**IN THE SUPREME COURT
STATE OF ARIZONA**

In the matter of:)	
)	
PETITION TO AMEND RULES)	Supreme Court No. R-26-0003
122 AND 122.1 OF THE RULES)	
OF THE SUPREME COURT)	COMMENT OF THE ARIZONA
OF ARIZONA)	STEERING COMMITTEE ON
)	ARTIFICIAL INTELLIGENCE
)	AND THE COURTS
)	

Pursuant to Rule 28(c), Rules of the Supreme Court of Arizona and this Court’s order dated January 22, 2026, the Arizona Steering Committee on Artificial Intelligence and the Courts (AISC) hereby submits this Comment regarding Rule Petition No. R-26-0003 (“Petition”).

Following discussion of this Petition at the April 20, 2026 AISC meeting, a motion was made and seconded that the AISC file this Comment. The motion passed unanimously. The AISC takes no position on the Petition, but files this Comment to provide commentary relating to the AI provisions in the proposed amendments to Rule 122(b)(6).

The Petition, filed by the Task Force on the Rules of the Supreme Court of Arizona, seeks to amend Supreme Court Rule 122 (“Use of Recording Devices in a Courtroom”) and Rule 122.1 (“Use of Portable Electronic Devices in a Courthouse”). Most of the proposed amendments are unrelated to artificial intelligence (AI). An exception, however, is a proposed change to Rule 122(b) that would expand the definition of “recording device” to include devices and applications that use artificial intelligence:

A “recording device” is any device including a cell phone, camera, apparatus, or application (“app”), whether analog or digital, mechanical or electronic, used to capture sounds or images or otherwise record, photograph, preserve, transcribe, broadcast, transmit, or stream a proceeding or that can be used with other devices to broadcast a proceeding. *A recording device includes a device that uses artificial intelligence.* (Emphasis added)

As the Petition notes, applications for electronic devices can now record and provide purported transcription of the recording using AI. This type of recording can be initiated without prior court approval and is problematic because the court cannot ensure accuracy or certainty or that the data transmitted to the cloud will remain protected or secure. This is particularly true in sensitive hearings, such as family, juvenile or order of protection matters.

Complete control over AI use in this context is impossible. The AISC agrees that privacy, security, and other interests justify providing judges authority to require transparency when AI is used to record court proceedings. On the other hand, the

ability to use certain AI tools may significantly benefit litigants—for example, AI systems that provide real-time interpretation of court proceedings.

For these reasons, AISC asserts that any policy governing the use of AI in court proceedings should be thoughtfully crafted to balance the need for judicial authority with the continued development and responsible use of beneficial technologies.

Respectfully submitted this 21st day of April, 2026.

/s/ Robert M. Brutinel
Robert M. Brutinel, Chair
On behalf of the Arizona Steering Committee on
Artificial Intelligence and the Courts