

David J. Bodney (006065)
Matthew E. Kelley (037353)
Ballard Spahr LLP
1 East Washington Street, Suite 2300
Phoenix, AZ 85004
bodneyd@ballardspahr.com
kelley@ballardspahr.com
(602) 798-5400

Attorneys for the Arizona Media Association; Phoenix Newspapers, Inc; KPNX-TV Channel 12, a Division of Multimedia Holdings Corp.; Scripps Media, Inc. d/b/a KNXV-TV, KGUN-TV and KASW-TV; Gray Local Media, Inc. d/b/a KTVK/KPHO and KOLD; and NW Communications of Phoenix, Inc. d/b/a FOX 10 Phoenix

IN THE ARIZONA SUPREME COURT

IN THE MATTER OF:

PETITION TO AMEND RULES
122 AND 122.1 OF THE RULES
OF THE ARIZONA SUPREME
COURT

Supreme Court No. R-26-0003

COMMENT

On behalf of the Arizona Media Association (“AMA”); Phoenix Newspapers, Inc. (“PNI”), publisher of *The Arizona Republic* and azcentral.com; KPNX-TV Channel 12, a Division of Multimedia Holdings Corp. (“12News”); Scripps Media, Inc. d/b/a KNXV-TV (“ABC15”), KGUN-TV (“KGUN9”) and KASW-TV (“The Spot”); Gray Local Media, Inc. d/b/a KTVK/KPHO (“Arizona’s Family”) and KOLD (“13News”); and NW Communications of Phoenix, Inc. d/b/a FOX 10 Phoenix (“FOX 10”) (together, the “Media Coalition”), undersigned counsel respectfully urge the Court to reject the proposed changes to Rules 122 and 122.1 contained in Petition R-26-

0003 (the “Petition” or “Pet.”) for a host of compelling reasons, as explained below.

Executive Summary

More than 40 years ago, this Court first allowed television cameras in Arizona’s courtrooms on an experimental basis. Upon due consideration, the Court adopted Rule 122 permitting camera coverage of *courtroom proceedings* and, decades later, Rule 122.1 allowing portable electronic devices in the *courthouses* of Arizona. By adopting these Rules, the Court not only distinguished itself as a trailblazer among state courts but also as a keeper of Arizona tradition. “Historically,” as the Court has observed, “this state has always favored open government and an informed citizenry.” *See, e.g., Ariz. R. Sup. Ct. 123(c)(1)*. For nearly a half century, Arizona’s experiment with camera coverage, as codified and amended in Rules 122 and 122.1, has proven effective and essential.

With every considered review and amendment over the years, these Rules have reflected another bedrock principle recognized by this Court and embraced by our judiciary ever since: “Democracy blooms where the public is informed and stagnates where secrecy prevails.” *Phoenix Newspapers v. Jennings*, 107 Ariz. 557, 561 (1971). Yet with this latest round of proposed amendments to Rules 122 and 122.1, the Court faces a new and disturbing direction when it comes to camera coverage of courtroom proceedings and

newsgathering in the courthouses of Arizona. It signals a giant step backwards toward closure and distrust.

Acting on this Court's Administrative Order No. 24-181, the Task Force on Public Communication underscored that public trust in Arizona's courts is steadily eroding, and that the "knowledge and trust gaps cannot be meaningfully addressed if the 'invisible barrier' that makes the judicial system seem inaccessible and out of touch continues." Final Report of Task Force, Dec. 1, 2025, at 1, 6, 15. Enacting the Petition's proposed amendments would worsen that problem.

Members of this Media Coalition employ journalists who rely daily on the procedures contained in Rules 122 and 122.1 to bring audio and video of court proceedings to the public while maintaining the safety and decorum of those proceedings. Specifically, (1) the AMA is the trade association for Arizona's nearly 400 radio and television stations, newspapers and digital media; (2) KPNX-TV Channel 12, a Division of Multimedia Holdings Corp. owns and operates 12News, the NBC network affiliate in Phoenix, which airs newscasts every day and publishes its reporting on 12news.com.; (3) PNI publishes *The Arizona Republic*, the largest daily circulation newspaper in the state, and its reporting also appears on azcentral.com; (4) Scripps Media, Inc. owns and operates ABC15 and KGUN9, the ABC network affiliates in Phoenix and Tucson, broadcasting and publishing news daily on abc15.com and kgun9.com,

respectively; (5) Gray Local Media, Inc. owns and operates Arizona's Family and 13News, the CBS network affiliates in Phoenix and Tucson, broadcasting and publishing news daily on azfamily.com and kold.com, respectively; and (6) NW Communications of Phoenix, Inc. owns and operates FOX 10, which is the FOX network affiliate in Phoenix and airs daily newscasts and publishes news on fox10phoenix.com.

The Petition characterizes its proposed amendments as primarily an update to align with new technology by eliminating the purportedly archaic term "personal audio recorder." Pet. at 1-2, 6-12. But the proposed changes to Rules 122 and 122.1 are far more sweeping and draconian than that. They conflate the two Rules in ill-considered ways. They would ban all audio and video recording in *courthouses* without prior approval of the presiding judge, regardless of whether that recording was disruptive. They would increase the length of time required to request camera coverage and permit the summary rejection of untimely requests, no matter the circumstances, thereby creating an additional bureaucratic roadblock to coverage of important, time-sensitive proceedings. Indeed, they would allow courts to impose *criminal penalties* on an individual who violated the new rules, even if the violation were unintentional.

As the Petition notes, Pet. at 14-15, undersigned counsel advised the Task Force that approved this proposal that it represents a "sea change" for

the news media's coverage of, and the public's access to information about, Arizona courts. In particular, the Petition would turn the philosophy behind Rules 122 and 122.1 on its head, casting the use of cameras in courtrooms as a danger to be controlled rather than a public good to be encouraged within reasonable safeguards for court operations. For example, the restyled "purpose" section of Rule 122 would replace the current statement that the Rule "allows the use of recording devices" with a new statement that "specifies the permitted and prohibited uses of recording devices . . . while allowing the court to preserve the dignity of proceedings, to ensure safety and security, and subject to specified requirements and limitations." Pet. App'x A at 2. This revised purpose section ignores the original purpose of Rule 122, as confirmed over the years by this Court: to serve the public interest by facilitating the careful and dignified recording and broadcasting of court proceedings so Arizonans can see and hear for themselves what goes on behind courtroom doors. Worse, the Petition speaks of an alleged need for a "legitimate purpose" to record public court proceedings and argues that a crackdown is needed on those who might use recordings of proceedings to "distort events." *Id.* at 6, 12. That attitude is contrary to Arizona's longstanding public policy, for "[t]he framers of our constitution did not give our judges authority to censor speech or decide how much speech the constitution allows." *Mountain States Tel. & Tel. Co. v. Ariz. Corp. Comm'n*, 160 Ariz. 350, 357 (1989); see also, e.g., Ariz.

Const. art. II, § 11 (“Justice in all cases shall be administered openly[.]”).

In brief, these proposed amendments should be rejected. By creating numerous obstacles for news organizations to cover the courts and gather news in the halls of justice, the Petition’s proposed changes would diminish the public’s access to audiovisual footage from inside the courtroom and news from inside the courthouse. The State Bar of Arizona has filed a Comment that expresses support for the Petition but suggests extensive, material changes, some of them embracing earlier versions of the Rules and others that would extend detrimental proposals even further. The State Bar’s Comment only shows that these drastic amendments merit further study.

I. THE PROPOSED CHANGES WOULD MAKE IT MORE DIFFICULT TO BRING INFORMATION ABOUT ARIZONA COURTS TO THE PUBLIC, REDUCING TRANSPARENCY AND PUBLIC TRUST.

This Court should deny the Petition because its proposed changes would unnecessarily make it more difficult for journalists to inform the public about how their courts are functioning – the goal of Rule 122 and the experimental cameras-in-courtrooms administrative rule that preceded it by more than a decade. The proposal would eliminate Rule 122’s current preference for camera coverage by those who bring “news to a broad community,” Rule 122(d)(1)(G); dramatically lengthen the lead time needed to file a camera request and allow untimely requests to be summarily denied; prohibit any recording or photography inside a courthouse without prior judicial approval,

though the proposal contains no process for securing, or deadline for granting, that approval; ban recording of *any* portion of a proceeding involving a child witness; and subject those who violate these new restrictions to potential *criminal* penalties regardless of whether the violation was intentional or knowing.

A. Removing Language Designed to Promote Professional Journalistic Coverage

The Petition asserts that the current Rules 122 and 122.1 should be changed in part because “anonymous individuals using cell phones or similar hand-held devices to record and broadcast in the courtroom . . . can use their devices for everything a journalist could do but without needing to first submit a request for court approval.” Pet. at 11. Inexplicably, however, the Petition seeks to remove the very provision in the current Rule that encourages courts to favor requests made by professional journalists. The current Rule counsels courts to give preference to requests by those “engaged in the dissemination of news to a broad community,” Rule 122(d)(1)(G), but the Petition suggests dropping the phrase “to a broad community,” Pet. App’x B at 12. This proposal undermines any argument that the revisions are meant to crack down on misuse of the Rule by individual “citizen journalists” who may have nefarious purposes.

B. Lengthening the Lead Time for Requesting Coverage and

Allowing Summary Denial of Untimely Requests

These proposals also would inhibit newsgathering by professional journalists by requiring requests for camera coverage to be made significantly further in advance of the relevant proceeding and allowing for summary denial of untimely requests. These changes would impair journalists' ability to obtain court approval for camera coverage and would likely close the courtroom doors to cameras for many proceedings the public should be able to observe for themselves – for example, election cases and special actions, which often involve expedited hearings. *See* Declaration of Tregg White (“White Decl.”) ¶ 7.

The revisions would push back the deadline for a request for camera coverage of a trial from seven *calendar* days before the trial date to seven *court* days before the trial date, an extension of two days or more, depending on holidays. Pet. App'x B at 10 (proposed revisions to Section (c)(2)(A)). The Petition also would expand the deadline to request camera coverage of a proceeding other than a trial from 48 hours to five court days before the start of the proceeding, amounting to an extra *four or more days* of lead time for submission of such a request. *Id.* (proposed revisions to Section (c)(2)(B)). Requests for camera coverage of proceedings scheduled on fewer than seven court days' notice (rather than the current 72 hours' notice) would have to be submitted “as soon as reasonably possible before the proceeding to avoid delay

or interfering with it.” *Id.* at 10-11 (proposed revisions to Section (c)(2)(C)).

News organizations, like courts, have limited resources, and many are unable to check dockets constantly to determine the dates and times of newsworthy hearings or trials. White Decl. ¶ 6. Many smaller Arizona counties do not post docket information on their websites, presenting another practical obstacle to journalists’ ability to learn about upcoming proceedings in time to meet the expanded deadlines. *Id.* At times, the public interest in a proceeding is not clear until shortly before it happens, and many newsworthy proceedings, such as election contests, are scheduled on relatively short notice. *Id.* ¶ 7. Compounding the scheduling problem, the proposed changes would allow a judge to summarily deny an untimely request. Pet. App’x A at 4. The public’s access to comprehensive information about Arizona courts and its confidence in our courts is almost certain to suffer. White Decl. ¶ 8.

C. Banning Recording Inside Courthouses

Another of the Petition’s roadblocks to news coverage of courts is its ban on recording and photography within courthouses absent prior approval by the presiding judge or their designee. Pet. App’x A at 7. Currently, still photography and audio and video recording in public areas of courthouses are permitted, so long as individuals are not recorded without their *express* consent, “subject to the authority of judges, Clerks of the Court, or court

administrators to limit or terminate activity that is disruptive to court operations or that compromises courthouse security.” Ariz. Sup. Ct. R. 122.1(c)(2) & (f). This Rule facilitates newsgathering inside courthouses by allowing journalists to record interviews with willing participants rather than having to attempt to do so outside in blazing summer heat or other inclement weather. White Decl. ¶ 11. But this proposal contains no procedure for obtaining, nor any deadline for granting, routine interview requests. *Id.* ¶ 10

The Petition alleges that “under the current rules, citizen journalists may contend that they are ‘news organizations’ and as such, that they have the right to follow and ask questions of witnesses anywhere in the courthouse, which could lead to intimidation and harassment.” Pet. at 15. *But the current Rules already proscribe such disruptive, invasive and harassing behavior and provide judges and court officials with the power to intervene and terminate such misconduct and punish violators via contempt. See Ariz. Sup. Ct. R. 122.1(a), (c) & (f).*

Moreover, the provision in Rule 122.1 allowing recording inside courthouses was a deliberate choice of the Wireless Committee that drafted the most recent updates to these Rules, reflecting its “philosophy *against* blanket prohibitions of camera use [inside courthouses] by local administrative orders.” Pet. R-13-0013 at 4 (emphasis added). The Wireless Committee explained that “some Arizona courthouses are historic and invite photography, and it could be

counterproductive if the rule required a judge to approve every visitor's request to take a photograph of something of architectural or historical interest." *Id.*

The same is true for newsgathering. Not only would this rule be counterproductive, but it would also make it extremely difficult to get approval for recording the kind of routine hallway interviews that journalists are accustomed to doing. White Decl. ¶¶ 10-11. *Although the proposed rules would require prior approval from the presiding judge or their designee to record within a courthouse but outside a courtroom, they do not prescribe any procedure for doing so, nor do they set any deadline for a ruling on such a request.* That could leave journalists subject to *arrest* for recording courthouse interviews simply because of bureaucratic inertia. It would be unjust to impose criminal penalties against journalists who unwittingly violate the new rules by recording interviews in courthouse hallways – even though that conduct is explicitly allowed under the current Rules and even if they are not disruptive in any way.

D. Prohibiting Coverage of Proceedings Involving Child Witnesses

Another proposed restriction harming the public's ability to see and hear newsworthy court proceedings is one that would prohibit recording "any portion of a proceeding involving a child witness." Pet. App'x A at 7. As written, this provision would impose a total ban on camera coverage of any proceeding in which a child is expected to testify. The provision does not simply

prevent recording a child's *testimony*; it forbids any recording of "*any portion*" of a proceeding in which a child testifies.

The Petition does not explain the reasoning for this proposed change, nor is that reason readily ascertainable. Under the current Rules, victims and witnesses can object to camera coverage at any time, and prosecutors and other parties are required to inform their witnesses about their ability to object. Ariz. Sup. Ct. R. 122(c)(5). Judges have discretion to restrict or prohibit camera coverage of specific parties, victims or witnesses. *Id.* R. 122(d). There is no need for a *total ban* on camera coverage in a proceeding involving a "child" witness – say, a 17-year-old victim or witness who consents to coverage – when the court already can restrict or prohibit camera coverage of a child's testimony.

E. Requiring Judicial Approval of Equipment

The Petition also would burden judges with the duty of approving the specific equipment used by those approved to record inside a courtroom. Pet. App'x A at 5-6. Most judges lack expertise in evaluating different kinds of professional-grade cameras. The Petition does not explain why judicial approval of specific equipment is necessary, rather than the current requirements that the equipment be unobtrusive and not distracting. Ariz. Sup. Ct. R. 122(f). Moreover, professional photographers and videographers often use different equipment for different assignments, and larger broadcast

news operations often have several different cameras available for their journalists' use. White Decl. ¶ 12. There is no reason to put a journalist in jeopardy of being kicked out of a courtroom (or even arrested on criminal charges) simply because they must use different gear when their court-approved camera is broken, lost, or used by someone else.

F. Allowing the Imposition of Criminal Penalties

The new threat of criminal sanctions for violating courthouse recording rules is another reason the Petition should be denied. If the Petition is approved, it would add a provision to Rule 122 that “a person who uses a recording device in the courthouse or in a virtual proceeding” in violation of the rule “is subject to sanctions, including contempt of court or criminal charges.” Pet. App'x A at 6. The Petition offers no explanation for this dramatic escalation of potential penalties. (Currently, Rule 122.1(a) states that violations “may be punishable as contempt.”) The proposed rule is silent regarding what, if any, state of mind would be required to justify criminal charges, implying that even unknowing or unintentional violations could result in criminal penalties. That change would put an unjustifiable chill on newsgathering within courthouses, to the public's detriment. White Decl. ¶¶ 14-15.

The Petition's proposed rule changes would inhibit, rather than enhance, the public's ability to see and hear what goes on in Arizona's courtrooms. That

would be inimical both to the values of openness and transparency Rules 122 and 122.1 are meant to serve and the Media Coalition's duties to inform the public about what its courts are doing.

II. THE PROPOSED CHANGES ARE UNNECESSARY AND NEEDLESLY COMPLICATED.

The Petition also should be denied because the proposed changes would needlessly complicate the Rules and would not address the issues cited by the proponents of the changes. Use of recording devices that poses security dangers, disrupts proceedings or harasses or intimidates individuals can be addressed under the courts' existing powers to curb misconduct. The existing rules should be enforced, not obliterated.

The Petition focuses on what it says are problems caused by Rule 122's purportedly inconsistent definitions of "personal audio recorder" and "recording device." Pet. at 9-12. The current Rule defines a "personal audio recorder" as "a device used to record audio only, and that is on, held by, or immediately next to, the person who is operating the device." Ariz. Sup. Ct. R. 122(b)(6). The Rule defines a "recording device" more broadly, as "an electronic or mechanical apparatus and related equipment used to capture and store sound or images, or both, or from which a person can retrieve or broadcast sound or images," adding as examples "a camera, a smart phone, and an audio recorder." *Id.* R. 122(b)(8). Thus, the Rule designates personal audio recorders as a subset of recording devices.

The problem, according to the Petition, is that Rule 122.1(h) says that a person wishing to use a personal audio recorder to record a proceeding must notify the court beforehand but need not apply for coverage under Rule 122, yet “a person who wishes to record or broadcast the audio portion of a proceeding with a device that is not on the person must do so.” The Petition asserts that because a cell phone “could arguably fall within either definition” of recording device or personal audio recorder, the Rules could be interpreted to allow “broadcast” of the audio of a proceeding by a cell phone only upon prior “notice” rather than with court approval. Pet. at 11. According to the Petition, that misinterpretation of the Rules “removes control over the broadcast of a court proceeding from a judicial officer and cedes that control – and the issues of fairness, privacy, safety, and dignity of the proceeding that derive from that control – to anonymous spectators” who “occasionally ha[ve] a nefarious purpose.” *Id.* at 11-12.

The obvious solution – if any be needed – would be to issue guidance that “broadcasting” of course requires court approval. Or this Court could amend Rule 122(h) to delete the phrase, “or broadcast.” That would eliminate any ambiguity. Alternatively, Rule 122(b)(6) could be modified to clarify that “personal audio recorder” refers to devices that are only capable of recording and playing back audio rather than devices such as cell phones that have multiple other capabilities. Digital, audio-only recording devices exist, and

some journalists use them under Rule 122.1 to record audio of a court proceeding as a note-taking mechanism. White Decl. ¶ 14. But the Petition does not seek to make these common-sense changes. Nor does it address the obvious solution to the purported problem of people citing Rule 122.1(h) “to justify using their cell phones to record and broadcast *video* of court proceedings,” Pet. at 11: enforcing the *actual* Rule rather than those individuals’ misinterpretation of it.

Moreover, judges and court security officers already have tools at hand to remove and sanction courtroom spectators who take any action to “intimidate parties and witnesses” or “disrupt a proceeding,” whether via use of cell phones or by any other means. *E.g.*, Rule 122.1 (e), (f). The proposed changes are both unnecessary and underinclusive, because they do not address any disruptions caused by conduct other than recording, and overinclusive, in that they would sanction spectators who record audio without disrupting or undermining the dignity of the proceedings. If judges and court officials are unsure about what the rules allow, this Court could provide guidance, either via communications with them or an administrative order clarifying the Rules – and judges and court officials’ powers to enforce them. Common sense counsels that people with nefarious motives will not be deterred by rules imposing greater barriers to getting *approval* to use a recording device – but those hurdles will impair the ability of professional journalists and other law-

abiding individuals to bring public proceedings to the majority of people who are unable to attend in person.

Another unnecessary and needlessly wordy proposal is to change the terms “cover” and “coverage” to “use of a recording device.” The current Rule already defines “cover” and “coverage” to refer to “a person’s use of a recording device during a proceeding.” Ariz. Sup. Ct. R. 122(b)(3). There is no need to substitute three words for one word that means the same thing, especially when that word reflects a common understanding of the important newsgathering role of journalists.

The Petition asserts that using “cover” and “coverage” is “inapt” because it is “suggestive of traditional media.” Pet. App’x A at 2. But one of the main reasons for Rule 122 is to allocate courts’ limited resources in a manner that will maximize the public benefit by giving access to the sights and sounds of court proceedings to the largest number of people. *See* Pet. at 4. The Rule’s references to “coverage” reinforce this policy choice to prioritize the widest possible public dissemination of information about court proceedings – a role that is uniquely performed by Media Coalition members and other “traditional” news organizations.

Further, the Petition’s suggested changes would produce even *more* unknowing violations by removing the requirement that courts “use reasonable means to inform the public” of the rules’ provisions. Pet. App’x A at 2. The

excuse that “whether the court used ‘reasonable means’ might become contentious,” *id.*, is no reason to *delete* this requirement. Rather, deletion would serve only as a repudiation of this Court’s recognition of the urgent need to bridge the “knowledge and trust gap” by ensuring that information about the courts is “easily accessible, timely, relevant, and accurate.” AO No 24-181, *infra*.

Conclusion

For the foregoing reasons, the Court should deny the Petition, reject its proposed amendments and preserve Rules 122 and 122.1 in their current form.

Respectfully submitted this 24th day of April, 2026.

By: /s/David J. Bodney

David J. Bodney

Matthew E. Kelley

BALLARD SPAHR LLP

1 East Washington St, Suite 2300

Phoenix, Arizona 85004

602.798.5400

Email: bodneyd@ballardspahr.com

Email: kelley@ballardspahr.com

*Attorneys for the Arizona Media Association;
Phoenix Newspapers, Inc; KPNX-TV Channel
12, a Division of Multimedia Holdings Corp.;
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10 Phoenix*

David J. Bodney (006065)
Matthew E. Kelley (037353)
Ballard Spahr LLP
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bodneyd@ballardspahr.com
kelley@ballardspahr.com
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1. IN THE ARIZONA SUPREME COURT

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PETITION TO AMEND RULES
122 AND 122.1 OF THE RULES
OF THE ARIZONA SUPREME
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Supreme Court No. R-26-0003

**DECLARATION OF
TREGG WHITE**

I, Tregg White, under penalty of perjury, declare as follows:

1. I am the President and CEO of the Arizona Media Association (“AMA”) and the Arizona Local News Foundation. I make this Declaration in support of the Comment in opposition to Petition R-26-0003 to change Arizona Supreme Court Rules 122 and 122.1 filed by the

Media Coalition, of which the AMA is a member. This Declaration is based on my personal knowledge, and if called to testify, I would and could testify competently regarding the matters set forth below.

2. The AMA is a 501(c)(6) non-profit corporation that serves as the trade association for Arizona's radio and television stations, newspapers and digital media, representing nearly 400 news organizations serving communities across the state. The AMA is built upon the foundations created by the former Arizona Broadcasters Association and Arizona Newspapers Association. The AMA also underwrites the Arizona Local News Foundation to connect communities with more local news and information. I have been President and CEO of the AMA and the Arizona Local News Foundation since November 24, 2025.

3. From June 2020 until I was named to head the AMA, I was Vice President and General Manager at KGUN-TV and KWBA-TV in Tucson, which are owned by Media Coalition member Scripps Media, Inc. Before residing in Arizona, I served as Vice President and General Manager at KGWN-TV in Cheyenne, Wyoming. I started my journalism career as a reporter and weekend anchor in North Platte, Nebraska, and

worked as a producer, news director and station manager at television stations in Fort Collins, Colorado and Lincoln, Nebraska, as well as Cheyenne.

4. In my experience, television stations, newspapers and digital news platforms rely on photographs and video to illustrate their news reports so they can show their audience what happened, rather than simply telling them. Having images is particularly important for coverage of court proceedings because photographs and video bring to life what has occurred in a courtroom. Camera coverage of court proceedings conveys factual, newsworthy information in an immediate, visceral way that words alone cannot capture.

5. Arizona news organizations therefore rely on the procedures articulated in Supreme Court Rules 122 and 122.1 in planning their coverage of newsworthy trials and other court proceedings to bring images of those courtroom events to their readers and viewers. The current Rules work well, and any problems have been rare. For particularly high-profile cases, Arizona news organizations work cooperatively, often together with national news networks or cable television channels, to develop pool arrangements so that those operating

the video cameras share the feed with other news organizations who want to broadcast the video. They provide camera coverage, whether alone or as part of a pool, in a dignified, professional manner, respectful of the procedures contained in current Rules 122 and 122.1.

6. Because news organizations have limited resources, very few are able to inspect court dockets constantly to determine the dates and times of newsworthy hearings or trials. Further, many of Arizona's smaller counties do not provide online access to court dockets, which makes it harder for journalists to keep up to date with case scheduling in those counties. Because of these factors, extending the time required to file a request for camera coverage – as the Petition mandates – would make it considerably harder for news organizations to submit timely requests for coverage of newsworthy cases. Consequently, the public would lose the opportunity to see photos and video from court proceedings that are important to their communities.

7. Another practical issue with extending the lead time needed to file a request for camera coverage is that the public interest in certain proceedings may not be clear until shortly before they occur. For example, journalists may learn of a newsworthy criminal trial from a

victim or witness within a week of the start of that trial. Further, many newsworthy proceedings are scheduled on short notice, such as preliminary hearings in criminal cases, election contests and special actions.

8. Changing the Rules to allow a judge to summarily deny an untimely camera coverage request without a hearing would only make this problem worse, because camera coverage requests that are timely under the current rules could be denied without providing journalists the opportunity to argue why they should be granted.

9. Because the existing system for requesting and obtaining permission for camera coverage of proceedings has worked so well, the public expects that they will be able to see video and still photos from cases that are important to their communities. With public mistrust of courts and other governmental institutions on the rise, reducing the number of cases where the public can see proceedings for themselves will only intensify that erosion of public confidence.

10. This Petition would change the status quo in another, even more radical way. By requiring preauthorization from a presiding judge to record audio and video *inside courthouses but outside courtrooms*, it

would severely impede newsgathering efforts. Unlike the well-established protocols for requesting camera coverage in courtrooms under the current Rule 122, the proposed changes do not prescribe *any* procedure to seek approval for courthouse recording and do not set *any* deadline for judges to approve or deny those requests.

11. Under the current Rules, reporters will often conduct and record interviews with willing sources in empty hallways or other out-of-the-way areas of courthouses when those sources are not in court. Journalists, like all Arizonans, know from experience that the weather here can be extreme, from 115-degree and hotter summer days in the southern deserts to sub-zero windchills and blizzard conditions during winter months in the higher altitudes further north. Requiring court-related interviews to take place outside means those interviews often will not occur at all, leaving the public's understanding of court proceedings all the poorer. Literally, this proposed rule change would have a chilling effect in winter (and its blazing counterpart in summer) on coverage of court cases in Arizona.

12. Another problem with the proposal is that it would require judges to approve the specific equipment to be used when providing

camera coverage of a court proceeding. The professional photographers and videographers who work for Arizona's news organizations use a wide variety of equipment. Many of them have several different kinds of gear to choose from, depending on the circumstances of the assignment. For example, many television stations, particularly the ones with larger staff, have a number of different cameras available for their videographers' use. Thus, any specific camera may not be available on a particular day because of other news events that require specific equipment, differing staffing schedules, or lost or broken cameras. I am unaware of any journalist running afoul of the current Rules requiring that the recording equipment used in the courtroom must be unobtrusive and not distracting. A judge's approval of specific equipment is an unnecessary complication that should not be required.

13. The Petition also proposes eliminating the provision in Rule 122.1 allowing the use of a personal audio recorder in a courtroom so long as the judge is notified beforehand. Arizona journalists frequently record audio of court proceedings so they can review the recording and ensure the accuracy of their reports about the proceedings. Some use small,

digital devices that are only capable of recording and playing back audio for this purpose.

14. Finally, I and other Arizona news executives are especially concerned about the provision in the proposal that would allow courts to impose criminal penalties on anyone who violates the new rules. Indeed, the proposed changes would eliminate the existing requirement for courts to take reasonable measures to inform the public about the new rules, meaning that journalists and others who believe they are complying with the rules could be arrested and face criminal charges simply because they did not know the rules had changed. The prospect of criminal charges also would make some journalists think twice about even attempting to seek permission to record court proceedings and bring those recordings to the public, for fear of being arrested for an inadvertent violation.

15. These proposed rule changes would inhibit the work of Arizona's professional journalists who strive to follow the rules and bring accurate accounts of court proceedings to the public without interfering with court operations. *I urge the Arizona Supreme Court to deny the Petition and keep the current Rules 122 and 122.1 intact because they are*

working well to protect both the public's right to comprehensive information about operations of the courts and the courts' ability to fairly dispense justice.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 6 th day of April, 2026, in Tucson, Arizona.



Tregg White