

1 Hon. Pamela S. Gates
2 Presiding Judge
3 Superior Court of Arizona, Maricopa County
4 125 W. Washington Street
Phoenix, AZ 85003
(602) 506-6391

5 IN THE SUPREME COURT OF THE STATE OF ARIZONA

7 In the Matter of:

} Supreme Court No. R-26-0003

8
9 PETITION TO AMEND RULES 122
10 AND 122.1 OF THE RULES OF THE
11 SUPREME COURT OF ARIZONA

} COMMENT ON THE PROPOSED
PETITION

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13 The Presiding Judge of the Superior Court in Maricopa County submits this
14 comment in support of the Petition to Amend Rules 122 and 122.1 of the Rules of
15 the Arizona Supreme Court. The Task Force’s work represents a thoughtful and
16 substantial effort to modernize the rules in response to technological changes. The
17 proposed amendments also reflect that the existing rules do not fully account for
18 current courtroom practices or the widespread use of remote proceedings.
19 However, the scope and purpose provision of Rule 122 would benefit from the
20 following revision.

21 As proposed, Rule 122(a) states that the rule governs the use of recording
22 devices “in a courthouse,” without referring to a courtroom or virtual proceeding.
23 While the definitions in Rule 122(b) make clear that a “courtroom” includes
24 virtual settings, the definition of “courthouse” is still limited to physical locations.
25 Because the purpose section of Rule 122(a) refers only to a courthouse, it creates
26 a disconnect between the rule’s stated scope and its actual operation. This leaves
27 some ambiguity about whether the rule fully applies to virtual proceedings.
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1 Absent clarification, the current language may create uncertainty about the
2 Court's authority to regulate recording in virtual proceedings, and could result in
3 arguments that the rule applies only to physical courthouse spaces. Given the
4 increasing prevalence of remote hearings and the risks identified in the Petition
5 associated with unauthorized recording, streaming, and dissemination, it is
6 important that the rule's purpose clearly and expressly encompasses all judicial
7 settings.

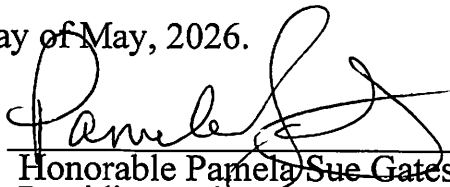
8 To address this concern, Rule 122(a) should be revised to explicitly include
9 courtrooms and virtual proceedings, in addition to courthouses:

10 **(a) Purpose.** This rule specifies the permitted and prohibited uses of
11 recording devices in a courthouse, **in a courtroom, and in any virtual**
12 **proceeding**, while allowing the court to preserve the dignity of
13 proceedings and ensure courthouse safety and security, and subject to
14 specified requirements and limitations.

14 [Proposed revision **bolded** and underlined.]

15 This revision aligns the purpose provision with the rule's definitions and
16 structure and eliminates ambiguity regarding application to virtual proceedings.
17 Clarifying the scope of Rule 122 in its purpose section will strengthen the rule,
18 promote consistent application, and ensure that courts retain clear authority over
19 recording devices in both physical and virtual environments.

21 Respectfully submitted this 1st day of May, 2026.

22 

23 Honorable Pamela Sue Gates
24 Presiding Judge
25 Superior Court of Arizona in and for
26 Maricopa County

27 Electronic copy filed with
28 Clerk of the Arizona Supreme Court
This 1st day of May, 2026