

Melinda Hardman, Policy Analyst
Administrative Office of the Courts
1501 W. Washington, Suite 410
Phoenix, Arizona 85007
mhardman@courts.az.gov
(602) 452-3453

IN THE SUPREME COURT STATE OF ARIZONA

In the Matter of:)	Supreme Court No. R-12-0003
)	
PETITION TO AMEND)	Comment to Section (g)(3) of
RULE 123, RULES OF THE SUPREME)	Proposed Rule Change Regarding
COURT OF ARIZONA and RULE 2.3,)	Posting High Profile Case
RULES OF CRIMINAL PROCEDURE)	Documents and Audio Video
)	Recordings Online

Melinda Hardman, Policy Analyst, Administrative Office of the Courts, respectfully submits this comment to section (g)(3) of the proposed change to Rule 123, Rules of the Supreme Court of Arizona. The pending proposed change would allow the judge in a particular high profile case to display records of the case online and would allow the presiding judge of a court, the chief judge of the court of appeals, or the chief justice of the supreme court to authorize audio or video to be posted online. The purpose of this comment is not to alter the intent of the proposed change but simply to add language that reflects the original intent of the Rule 123 & Data Dissemination Advisory Committee, and thereby clarify the proposed change. The Rule 123 & Data Dissemination Advisory Committee understood that the judge in a particular high profile case is the person best suited to determine whether any or all of the records in the case should be posted online. The clarification, set forth in Appendix A attached hereto, offers language reflecting the intent of the committee and adds a definition of a “high

profile” case, being one that “creates great public or media interest.” Furthermore, the clarification makes minor edits to the sentence that grants authority to the presiding judge of a court, the chief judge of the court of appeals, or the chief justice of the supreme court to authorize audio or video of a case to be posted online.

For the foregoing reasons, the undersigned respectfully requests this Court amend section (g)(3) of Rule 123, Rules of the Supreme Court as set forth in the attached Appendix A.

Dated this 15th day of May, 2012.

Melinda Hardman, Policy Analyst
Administrative Office of the Courts

APPENDIX A

Rule 123, Rules of the Supreme Court

(g)(3) Courts and clerks of court shall not display case records online except as provided herein, as provided by ARS § 12-283(I) and (J), ~~or~~ as ordered by the court in a particular high profile case. A case is high profile if it creates great public or media interest to which the court can more timely and efficiently respond by displaying records of the case online. The presiding judge of the court, the chief judge of the court of appeals, or the chief justice of the supreme court may authorize the posting of audio or video of any case online. Any remote electronic access shall be conditioned upon the user's agreement to access the information only as instructed by the court, not to attempt any unauthorized access, and to consent to monitoring by the court of all use of the system. The court will also notify users that it will not be liable for inaccurate or untimely information, or for misinterpretation or misuse of the data. Such agreement and notices shall be provided to the users in any manner the court deems appropriate. The court may deny access to users for failure to comply with such requirements. The court or clerk of court that establishes remote electronic access to case records may also establish limitations on remote electronic access based on the needs of the court, limitations on technology and equipment, staff resources and funding.