

Hon. Deborah Young, President
Arizona Association of Superior Court Clerks
200 N. San Francisco
Flagstaff, Arizona 86001
928-679-7600
nasha@COSC.maricopa.gov

IN THE ARIZONA SUPREME COURT

In the Matter of)	Supreme Court No. R-13-0013
)	
PETITION TO ADOPT ARIZONA SUPREME)	COMMENT TO PROPOSED
COURT RULE 122.1)	RULE CONCERNING
)	PERMISSIBLE USES OF
)	PORTABLE ELECTRONIC
)	DEVICES

The Arizona Association of Superior Court Clerks (AASCC) submits the following comments to the petition to adopt Rule 122.1 of the Arizona Rules of the Supreme Court.

The Clerks of the Superior Court support the proposed rule and had participation in the Committee on the Impact of Wireless Mobile Technologies and Social Media on Court Proceedings that submitted the petition and amended petition. In reviewing the amended petition, one scenario that directly impacts the Clerks arose that the Committee did not address, which is described below. The AASCC also raises a technical issue with the proposed rule's wording.

The AASCC recommends adding a reference to the Clerks in proposed section 122.1(f) regarding the use of portable electronic devices outside the courtroom. Clerks' exhibits storage and records areas are often located in courthouses, which would fall within the scope of the rule. The Clerks may allow the media and public to film and

record exhibits with portable electronic devices. For safety and security reasons, the Clerks may not allow filming of their vault, the layout of the exhibits area or to remove biohazardous materials from their protective containers. Inserting the Clerks into the section on authority to limit or terminate disruptive activity allows the Clerks to properly operate their areas of responsibility, specifically records and exhibits, and avoids conflict between the court rule and the Clerks' policies.

Additionally, the Clerks note a technical issue with this petition and petition R-13-0012's references to "courtrooms," "courthouses," and "proceedings" that are "an event concerning a court case that takes place in a courtroom." Some proceedings take place in non-traditional settings outside a court building and in structures not ordinarily used for the administration and operation of courts and where there might be portable electronic devices. For example, court is sometimes held in the community at a local school or in a space designated for the court in a Veteran's Administration building or on a Human Services Campus. The Clerks acknowledge the court's inherent authority to ensure proceedings are conducted in a safe and dignified manner. The example of proceedings in non-traditional settings might be addressed in a comment to the rules, if at all.

For the reasons stated above, the Arizona Association of Superior Court Clerks supports the petition and recommends adopting the modification contained below in Appendix A.

Note that the recommendation for new text in the appendix is indicated by ALL CAPS and is formatted to the "Clean Version" of the appendix to the amended petition.

DATED this 29th day of May, 2013.

/s/ Deborah Young
Hon. Deborah Young, President
Arizona Association of Superior Court Clerks

A copy of this comment has been delivered this
29th day of May, 2013, to:

Hon. Robert Brutinel, Chair
Committee on the Impact of Wireless Mobile Technologies
and Social Media on Court Proceedings
Administrative Office of the Courts
1501 W. Washington
Phoenix, AZ 85007
Via electronic filing of comment

R-13-0013

APPENDIX A

RULES OF THE SUPREME COURT

Rule 122.1: Use of portable electronic devices in a courthouse

(a) – (e) [No change]

(f) Use of a portable electronic device outside a courtroom; limitations.

Except as provided in sections (c), (d) and (e) of this rule, a person may use a portable electronic device in a courthouse, subject to the authority of judges, court administrators, CLERKS OF COURT, or court security officers to limit or terminate activity that may be disruptive to court operations or that may compromise courthouse security.