

Current Supreme Court Rule 122:

(2) *Time limit for submission of a request.* A person must submit a request sufficiently in advance of the proceeding to allow the judge to consider it in a timely manner.

Proposed Revised Supreme Court Rule 122:

(2) *Time limit for submission of a request.* A person must submit a request sufficiently in advance of the proceeding to allow the judge to consider it in a timely manner. This and all other provisions of this Rule 122 apply only to "Proceedings" as defined herein.

Access to Public Meetings are governed by ARS 38-431.01

This clarification of Rule 122 is obviously and absolutely necessary because on June 24, 2015 a television news crew from ABC15 was unlawfully denied access to a Public Meeting of R-15-0006. On June 26, 2015 the Public Body chaired by Presiding Judge of the Maricopa County Superior Court Janet Barton was noticed of this breach of ARS 38-431.01 so that the prescribed cure provisions could be processed by the Public Body per ARS 38-431.05.

For unknown reasons these cure provisions were never processed which lead to a lawsuit being filed in Superior Court as prescribed by ARS 38-431.07 seeking that the work performed by the Public Body R-15-0006 be declared "Null and Void" per ARS 38-431.05.

These actual happenings and known facts serve to illustrate and confirm that the current Rule 122 is so unclear and difficult to understand that ABC15, the entire advisory staff of the Arizona State Supreme Court, the members and chairperson of the Public Body R-15-0006 Presiding Judge Janet Barton, and by extension the Chief Justice of the Supreme Court Scott Bales were all hoodwinked into thinking that Rule 122 had anything at all to do with a Public Meeting. It is therefore conceivable that this nearly impossible to understand Rule 122 could be nefariously used as an "Artifice to Defraud" (ARS 13-2310 or 18 USC 1341) by concealing the workings of this or any Public Body from the press and the public. We certainly would not want that to happen.

Sincerely, /s/ Martin Lynch

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**January 5, 2016**

**Rule 122. Use of Recording Devices in a Courtroom**Arizona Revised Statutes Annotated  
Rules of the Supreme Court of ArizonaArizona Revised Statutes Annotated  
Rules of the Supreme Court of Arizona (Refs & Annos)  
XII. Miscellaneous ProvisionsRule 122 does not apply to a Public Meeting in any manner whatsoever. To do so is a violation of the public meeting laws and subject to the subsequent actions and penalties set forth in ARS Title 38 Article 3.1 "Public Meetings and Proceedings"

A.R.S. Sup.Ct.Rules, Rule 122

**Rule 122. Use of Recording Devices in a Courtroom**Currentness

**(a) Purpose.** This rule allows the use of recording devices in a courtroom, subject to specified requirements and limitations. A court must use reasonable means to inform the public of the provisions of this rule.

**(b) Definitions.** The following definitions apply in this rule. A term defined in the singular includes the plural.

(1) A "camera" is an electronic or mechanical device used to photograph, record, or broadcast still or moving images.

(2) A "courtroom" is an area of a "courthouse," which is defined in Rule 122.1, where a judge conducts a proceeding.

(3) "Cover" and "coverage" refer to a person's use of a recording device during a proceeding.

(4) A "judge" is a judicial officer in an appellate, superior, or limited jurisdiction court presiding over a proceeding.

(5) A "person" includes an individual and any organization except the court.

(6) A "personal audio recorder" is a device used to record audio only, and that is on, held by, or immediately next to, the person who is operating the device.

(7) A "proceeding" is an event concerning a court case that takes place in a courtroom.

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A Public Meeting is not a court case that takes place in a courtroom.

(8) A "recording device" is 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. A camera, a smart phone, and an audio recorder are examples of recording devices.

(9) A "victim" has the same meaning as set out in Rule 39 of the Rules of Criminal Procedure.

**(c) Request to cover a proceeding.** Except as provided in paragraphs (h) and (i) of this rule, a person who wishes to use a recording device during a proceeding must submit a written or electronic request to cover the proceeding, as follows.

(1) Requirements for submission of a request. The person must submit the request to the judge who will conduct the proceeding, or to an office of the court authorized to receive requests under this rule. A person who submits a request to cover a proceeding has standing on the request, but the submission of a request does not confer upon that person the status of a party to the case.

(2) Time limit for submission of a request. A person must submit a request sufficiently in advance of the proceeding to allow the judge to consider it in a timely manner.

(A) If the specified proceeding is a trial, a person must submit a request at least seven calendar days before the trial date.

(B) If the proceeding is not a trial, a person must submit a request as soon as possible, and no less than forty-eight hours before the start of the proceeding.