



SCRIPPS

May 15, 2008

Ms. Rachelle Resnick
Clerk
Arizona Supreme Court
1501 West Washington Street, Room 402
Phoenix, AZ 85007-3329

Re: Petition to Amend Rule 122

Dear Ms. Resnick,

On behalf of Scripps Howard Broadcasting Company, owner of KNXV-TV (the "Company" or "KNXV"), I am writing to express the Company's support for KPNX-TV's Petition to Amend Rule 122 of the Rules of the Arizona Supreme Court.

This amendment will allow journalists to better fulfill their constitutionally mandated obligation as surrogates for the citizens of Arizona on matters of public interest. The original intent of Rule 122 was to give journalists access to courtrooms so they could observe the proceedings and distill them for public consumption. Unfortunately, as counsel to journalists at KNXV, I have observed numerous examples of the misapplication of Rule 122. Increasingly, camera coverage requests are being denied, frequently without explanation or hearing and to the public's detriment.

By adopting proposed amendments, the Supreme Court can restore the integrity of Rule 122 without sacrificing the interests of the courts, the parties, judges, juries and witnesses. The amendments acknowledge the key role journalists play in maintaining the reputation of the judicial branch, while recognizing that there are only a few extreme instances in which it is appropriate for the judiciary to do its business outside the watchful eye of the public.

Public access to courtrooms is a bellwether of constitutional protection under the First Amendment. According to the Supreme Court, most people learn about judicial proceedings "chiefly through the print and electronic media," rather than attending in person.¹ Media coverage is the most direct and accurate way to bring people into the courtroom who could not otherwise attend. The proposed changes to Rule 122 will foster the public's knowledge and understanding of the courts² and help draw public attention to major societal problems.³

¹ *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 572-73 (1980).

² Admin. Order. No. 2006-9

³ New York Committee to Review Audio-Visual Coverage of Court Proceedings, *An Open Courtroom, Cameras in New York Courts*, at 71. (Fordham University Press 1997).

Advances in technology now permit newspapers as well their broadcast brethren to use cameras and videotape as a source for informing and educating readers and viewers about the judicial process. This technology allows journalists to reach a broader and more diverse audience through the Internet. Technological advances also have made the cameras quieter and less conspicuous, and thus less intrusive on the judicial process.

The ability to peek inside the courtroom through the lens of a journalist's camera will give the public more confidence in the judicial system and add legitimacy to the deliberative process that impacts the world in which we live.

As numerous high profile cases have demonstrated, cameras are particularly valuable during controversial or high-interest proceedings. Where the trial has been concealed from public scrutiny and the result is unexpected, people doubt its fairness.⁴ The presence of a camera in the courtroom "improves public perceptions of the judiciary and its processes."⁵ It helps the public feel they are keeping close watch on the proceeding—to ensure that justice is served.

The media owes the public a solemn obligation to fairly and accurately address community concerns in its reporting. Only through the amendment to Rule 122 can that mission be fully served.

I am certainly happy to discuss this and other issues with you as you deliberate the proposed changes to Rule 122.

Respectfully submitted,



David M. Giles
Associate General Counsel
The E.W. Scripps Company

DMG:mak

⁴ See *Chandler v. Florida*, 499 U.S. 560, 565-66 (1981).

⁵ *In re Petition of WMUR Channel 9*, 813 A.2d 455, 460 (N.H. 2002).