

1 Honorable Paul A. Katz
2 Judge
3 Superior Court in Maricopa County
4 18380 N. 40th Street
5 Phoenix, AZ 85032
6 (602) 506-5806

7 In the Matter of PETITION TO AMEND
8 RULE 122, RULES OF SUPREME
9 COURT OF ARIZONA

} Supreme Court No. R-07-0016
} COMMENT OF THE UNDERSIGNED
} JUDGES AND COMMISSIONERS OF
} THE MARICOPA COUNTY SUPERIOR
} COURT IN SUPPORT OF THE PETITION
} TO AMEND RULE 122 WITH
} SUGGESTED REVISIONS

12 Having reviewed the pending Petition to Amend Rule 122, Rules of the Arizona
13 Supreme Court, relating to cameras in the courtroom and the Comment thereto
14 submitted by the Honorable Barbara Rodriguez Mundell, Presiding Judge of the
15 Superior Court of Maricopa County, we the undersigned judges and commissioners of
16 the Superior Court of Maricopa County submit this Comment in support of the Petition
17 with the proposed revisions submitted by Judge Mundell with the exception of the
18 following:
19

20 We urge that the proposed language of Paragraph (c) as set forth in the revision
21 to this paragraph, submitted by Judge Mundell, which will likely be agreed to by the
22 Petitioner and which reads as follows:
23

24 (c) THE JUDGE MAY LIMIT OR PROHIBIT ELECTRONIC OR STILL
25 PHOTOGRAPHIC COVERAGE ONLY AFTER MAKING SPECIFIC, ON-THE-
26 RECORD FINDINGS THAT THERE IS A SUBSTANTIAL LIKELIHOOD OF
27 HARM ARISING FROM ONE OR MORE OF THE ABOVE FACTORS THAT
28 OUTWEIGHS THE BENEFIT TO THE PUBLIC OF CAMERA COVERAGE.

1 be rejected. We believe that written findings should be required after a balancing of all
2 factors set forth in Paragraph (b), whether or not cameras are permitted in the
3 proceedings, so that attorneys, litigants and victims, in addition to the "press", know the
4 basis of our decision and can also file a special action if they feel that their privacy,
5 welfare or safety has been compromised by a decision to allow cameras in the
6 courtroom. The proposed Amendment to Rule 122, even with the revisions proposed
7 by Judge Mundell, creates a strong presumption in favor of camera coverage when it is
8 our belief that the rule should remain neutral on this issue.
9
10

11 We recommend that the following language be substituted for that recommended
12 by the Petitioner or Judge Mundell:

13 **(C) AFTER CONSIDERATION OF THE ABOVE FACTORS, THE JUDGE**
14 **SHALL MAKE SPECIFIC, WRITTEN FINDINGS IN SUPPORT OF THE**
15 **DECISION TO PERMIT, LIMIT OR DENY THE ELECTRONIC OR STILL**
16 **PHOTOGRAPHIC COVERAGE OF THE PROCEEDINGS.**

17 Respectfully submitted this ____ day of April, 2008, by the undersigned Judges and
18 Commissioners of the Superior Court of Maricopa County, Arizona.
19
20

21 _____
22 _____
23 _____
24 _____
25 _____
26 _____
27 _____
28 _____

