

Direct: 608-284-2649
jlpeterson@gklaw.com

May 20, 2008

VIA ELECTRONIC FILING

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:

As outside media general counsel to Journal Broadcast Group, Inc., owner of KGUN-TV, Channel 9 in Tucson (collectively, the "Company"), I am writing to express the Company's strong support for KPNX-TV's Petition to Amend Rule 122 regarding camera coverage of judicial proceedings.

The significance and importance of public access to judicial proceedings through a journalist's camera lens cannot be overstated. Given the Arizona Constitutional mandate that "Justice in all cases shall be administered openly," Ariz. Const. art II, §11, camera coverage of judicial proceedings is imperative to providing the public with the ability to see the judicial process work. Rule 122, as originally passed, embodied this intent. Yet, in practice, the spirit of the Rule has been sometimes misapplied to deny the media's camera coverage with no explanation. Consequently, the public's ability to understand the judicial system and to see justice "administered openly" is significantly limited.

By adopting the proposed amendments, the Supreme Court can recognize the important role of cameras in the courtroom while maintaining the fairness and dignity of judicial proceedings. The amendment creates only procedural safeguards--indeed, a minimum amount of due process--when a trial judge denies a request for camera coverage. Significantly, the trial court's ability to control the proceedings in his or her courtroom is maintained. The amendment merely recognizes that only in few, limited circumstances are the two objectives--dignified court proceedings and media coverage of those proceedings through electronic and still photographs--so incompatible that camera coverage should be denied.

Ms. Rachelle Resnick
May 20, 2008
Page 2

As a Wisconsin corporation, Journal Broadcast Group, Inc. has enjoyed the privilege of having cameras in Wisconsin courtrooms since 1978 when the Wisconsin Supreme Court adopted an "experiment" allowing cameras and audio recordings to cover judicial proceedings. Since 1979, that "experiment" has been permanently authorized and for nearly 30 years the Wisconsin judiciary has applied the Rule liberally, grounded in the understanding that "the media must serve as the eyes and ears of [the] public." *State ex rel. Newspapers, Inc. v. Showers*, 135 Wis. 2d 77, 81, 398 N.W.2d 154 (Wis. Ct. App. 1987).

Wisconsin is not the only, or even the best, model. Since the adoption of Wisconsin Supreme Court Rule 61, however, cameras in the courtroom have created very few challenges for the trial courts. Moreover, the practical problems anticipated at the rule's adoption have failed to materialize--in large part because the technology has become more sophisticated and because judges, lawyers, jurors and witnesses have found cameras easy to ignore.

Cameras have become even smaller and quieter. As new courtrooms are designed and built, lighting and sound are no longer issues, if they ever were. Indeed, even the proliferation of courtroom television programs--whether fictionalized or "real"--have acclimated the public to the judicial system and the rhythms of the law. For its part, while the U.S. Supreme Court has resisted televising oral arguments, state appellate courts have not, and the U.S. Supreme Court now provides prompt and easy access to oral arguments. The public now acquires information about its government from a wide and growing variety of sources--broadcast television, to be sure, but also cable and the Internet. With discretion vested in the trial judge, all deserve a place in the courtroom.

While the details of Wisconsin Supreme Court Rule 61 and the proposed amendments to Arizona Supreme Court Rule 122 may differ, the purpose and premise are identical. Consistent with underlying constitutional mandates, the proceedings of the judiciary are to be "open" and accessible to the public. Electronic and still camera coverage is an essential component to ensuring public access to--and understanding of--the role of the judiciary in government and society. The proposed amendments to Rule 122 acknowledge the media's obligation to provide the public with accurate and complete coverage of judicial proceedings, while preserving the trial judge's obligation to ensure the fairness and dignity of those proceedings.

Ms. Rachelle Resnick
May 20, 2008
Page 3

Accordingly, Journal Broadcast Group, Inc. and KGUN-TV support KPNX's Petition to amend Arizona Supreme Court Rule 122.

GODFREY & KAHN, S.C.



Jennifer L. Peterson
*Outside Media General Counsel to
Journal Broadcast Group, Inc.*

JLP:smls

3057512_1