

***Juror oath + admonition + smart juror card***

***Sept 28 meeting version as approved: Clean, and with Sept 28 and Subsequent Markup***

**1. The oath:**

Proposed language for the oath in civil and criminal cases:

*“I swear (or I affirm) that I will give careful attention to the proceedings, abide by the court’s instructions, comply with the admonition, and render a verdict in accordance with the law and evidence presented to me (so help me God). [Omit the last four words if the juror taken an affirmation rather than an oath.]”*

**Note:** This recommendation will require changes to the following two rules:

- Civil Rule 47(a)(3) currently states:

*3. After the jury is completed, the clerk shall make a list thereof and deliver it to the parties for peremptory challenges. The parties shall exercise their challenges by alternate strikes, beginning with the plaintiff, until the peremptory challenges are exhausted. Failure of a party to exercise a challenge in turn shall operate as a waiver of remaining challenges but shall not deprive the other party of that other party's full number of challenges. The list shall then be delivered to the clerk who shall call the first eight names remaining on the list who shall constitute the trial jury, and to whom an oath or affirmation shall then be administered in substance as follows: “You do solemnly swear (or affirm) that you will well and truly try the issues now on trial and a true verdict render according to the law and the evidence, so help you God.” If a juror affirms, the clause “so help you God” shall be omitted.*

- Criminal Rule 18.6(b) currently states:

***b. Oath.*** *Each juror shall take the following oath:*

*Do you swear (or affirm) that you will give careful attention to the proceedings, abide by the court's instructions, and render a verdict in accordance with the law and evidence presented to you (so help you God)?*

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2. The admonition for civil and criminal cases:

All participants in a trial have a responsibility to follow rules that ensure a fair trial. I will now explain certain rules you must follow while serving as a juror, which I will call “*the admonition.*”

First, please wear your juror badge at all times in and around the courthouse so everyone will know you are a juror. Wearing a juror badge is important because it identifies you as a juror to others. A juror badge signifies that you cannot discuss this case with anyone, or let anyone discuss this case with you, or let anyone discuss the case with other people if you are present. You must not speak or communicate about this case with anyone until after it is completely over and I have discharged you from service on this jury. “*Anyone*” includes your family, friends, coworkers, acquaintances, and even strangers. I have given the lawyers and parties the same instruction about not speaking with you jurors while this case is going on, so do not think they are being unfriendly to you if they do not speak with you outside the courtroom.

You must not communicate with anyone about your experiences as a juror, or about the evidence, the lawyers, the parties, the witnesses, me, or the other jurors. You may not tell other people what you think about this case, and you may not ask other people what they think about it. All you can tell someone is that you are on a jury, the estimated schedule for the trial, and that you cannot talk about this case until it is completely over. I will discharge you from your duties as a juror when this case is completely over, and at that time, you may speak freely with anyone about this case. Until then, it is your duty not to speak with any person, or allow any person to speak with you, or to be present while other people are speaking, on any subject related to this trial.

In a criminal case such as this, you, as a juror, may not discuss the evidence with other jurors until you retire to deliberate on your verdict. Therefore, during breaks and recesses, whether you are in the jury room or not, you must not discuss any aspect of the case with each other until I submit the case to you for your deliberations at the end of this trial.

[Alternative: In a civil case such as this, you may discuss the evidence with other jurors during recesses. However, you may do this only if you agree to do so, only when all of you are present in the jury room with the door closed, and only if you reserve judgment about the outcome of this case until you start your deliberations after receiving my final instructions on the law.]

You may use electronic devices in the courthouse, but there are limitations. Electronic devices are things that store and retrieve information, give you access to the internet, or allow you to send or receive messages. Examples of electronic devices include smart phones, cell phones, cameras, notebooks, tablets, or laptops, and other computers and communication tools. You cannot use your electronic devices for any reason while you are in the courtroom or while you are deliberating in the jury room. Please make sure that you have turned off your electronic devices while you are in the courtroom and during deliberations. You cannot take notes with your electronic devices; you may only take notes on the paper notepad the court has provided to you.

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When I say that you must not speak with anyone about this case, this also applies to electronic communications. You must not communicate about the case electronically, on Google or Yahoo, or by any other form of internet application or “app.” You must not communicate about this case on Facebook, Twitter, or on any other social media site, through blogs, or by e-mail, text, or instant messaging. While this case is going on, you must not attempt to “friend,” find, or look up on a social media site, anyone who is connected with this case in any way, including me, my court staff, the attorneys, parties, witnesses, or other jurors.

You must not look outside the courtroom for knowledge about this case at any time. If you have a question or need additional information, submit your request to me in writing. I will answer your question or provide the requested information if I can. However, you cannot use Google or any other internet website, or newspapers, magazines, dictionaries, books, maps, television, or radio to find out more. There may be names, words, or subjects that come up during this trial that you want to look up. You cannot do that. You must not search for information about the parties, witnesses, locations, events, facts, or legal issues involved with this case. You must decide this case only on the evidence that you see and hear in this courtroom. This rule may seem strange, because you use these tools on a daily basis, and you may think that looking for information is helpful, but doing this could jeopardize the trial, and it will violate your oath as a juror. Here are the reasons for this rule.

First, I am responsible for deciding what evidence you have, and my court staff carefully records the testimony of witnesses, marks exhibits, and maintains minutes to keep track of evidence. Every juror must decide this case on the body of evidence produced in court. Deciding the case based on information that one of you finds elsewhere could jeopardize the parties’ right to a fair trial. Second, the rules of evidence exist so that what you see and hear meets legal requirements. Information available outside the courtroom may be unreliable, and because I would not know what you might find from an outside source, I would have no way to determine whether that information is accurate. Third, the parties have a right to examine witnesses, which is one of the fundamental principles of our legal system. If you obtain information outside this courtroom, you will be ignoring the right of the parties to examine the source or accuracy of that information. Finally, if a party has not met their burden of proof, you may not do research and try to fill that gap.

You agreed to comply with this admonition when you took your oath as a trial juror. If a juror violates the admonition, I may have to declare a mistrial and start the trial over again, beginning with calling a new jury. A mistrial is unfair to the parties, the attorneys, and the witnesses, all of whom must come back to court a second time. A mistrial is also financially costly to the taxpayers. If anyone has tried to contact you concerning the case, or if you believe that another juror has violated the admonition, please send a note to me immediately. All of us have the responsibility to conduct this trial fairly.

Form your opinions only after you have had an opportunity to discuss this case with each other in the jury room. Do not form final opinions about any fact or about the outcome of this case until you have heard and considered all of the evidence presented in court, the closing arguments, and the rest of the instructions. Keep an open mind during the trial.

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Before a recess, I may say, “*Remember the admonition*” without repeating the entire admonition that I have just given to you. I do this as a reminder to keep this admonition in mind at all times. Even if I do not recite the words “*Remember the admonition*” before a recess, you must remember and obey the admonition until this trial is completely over.

[Optional: Present each juror with a smart juror card and say: “*Here is something for you to keep that will also help you to remember the admonition.*”]

3. “Smart juror” card or poster:



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**1. The oath:**

Proposed language for the oath in civil and criminal cases:

*“I swear (or **I** affirm) that I will give careful attention to the proceedings, abide by the court’s instructions, comply with the admonition, and render a verdict in accordance with the law and evidence presented to me (so help me God). **[Omit the last four words if the juror taken an affirmation rather than an oath.]**”*

**Note:** This recommendation will require changes to the following two rules:

- Civil Rule 47(a)(3) currently states:

*3. After the jury is completed, the clerk shall make a list thereof and deliver it to the parties for peremptory challenges. The parties shall exercise their challenges by alternate strikes, beginning with the plaintiff, until the peremptory challenges are exhausted. Failure of a party to exercise a challenge in turn shall operate as a waiver of remaining challenges but shall not deprive the other party of that other party's full number of challenges. The list shall then be delivered to the clerk who shall call the first eight names remaining on the list who shall constitute the trial jury, and to whom an oath or affirmation shall then be administered in substance as follows: “You do solemnly swear (or affirm) that you will well and truly try the issues now on trial and a true verdict render according to the law and the evidence, so help you God.” If a juror affirms, the clause “so help you God” shall be omitted.*

- Criminal Rule 18.6(b) currently states:

***b. Oath.*** Each juror shall take the following oath:

*Do you swear (or affirm) that you will give careful attention to the proceedings, abide by the court's instructions, and render a verdict in accordance with the law and evidence presented to you (so help you God)?*

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2. The admonition for civil and criminal cases:

All participants in a trial have a responsibility to follow rules that ensure a fair trial. I will now explain certain rules you must follow while serving as a juror ~~that, which~~ I will call “*the admonition*.”

First, please wear your juror badge at all times in and around the courthouse so everyone will know you are a juror. Wearing a juror badge is important because it identifies you as a juror to others. ~~and~~ A juror badge signifies that you cannot discuss this case with anyone, or let anyone discuss this case with you, or let anyone discuss the case with other people if you are present. “*Anyone*” includes your family, friends, coworkers, acquaintances, and even strangers. ~~If anyone tries to speak or interact with you about this case, You must tell him or her that you cannot not speak or communicate about this case with anyone until after it is completely over and I have discharged you from service on this jury.~~ “Anyone” includes your family, friends, coworkers, acquaintances, and even strangers. I have given the lawyers and parties the same instruction about not speaking with you jurors while this case is going on, so do not think they are being unfriendly to you if they do not speak with you outside the courtroom while this case is going on. [Insert paragraph break.] You must not communicate with anyone about your experiences as a juror, or about the evidence, the lawyers, the parties, the witnesses, me, or the other jurors. You may not tell other people what you think about this case, and you may not ask other people what they think about it. ~~When you go home tonight and someone asks you questions about this trial, please remember that you cannot speak about the case.~~ All you can tell someone is that you are on a jury, the estimated schedule for the trial, and that you cannot talk about this case until it is completely over. I will discharge you from your duties as a juror when this case is completely over, and at that time, you may speak freely with anyone about this case with anyone. Until then, it is your duty not to speak with any person, ~~or permit or allow~~ any person to speak with you, or to be present while other people are speaking, on any subject related to this trial.

In a criminal case such as this, you, as a juror, may not discuss the evidence with other jurors until you retire to deliberate on your verdict. Therefore, during breaks and recesses, whether you are in the jury room or not, you must not discuss any aspect of the case with each other until I submit the case to you for your deliberations at the end of this trial.

[Alternative: In a civil case such as this, you may discuss the evidence with other jurors during recesses. However, you may do this only if you agree to do so, only when all of you are present in the jury room with the door closed, and only if you reserve judgment about the outcome of this case until you start your deliberations after receiving my final instructions on the law.]

You may use electronic devices in the courthouse, but there are limitations. Electronic devices are things that store and retrieve information, give you access to the internet, or allow you to send or receive messages. Examples of electronic devices include smart phones, cell phones, cameras, notebooks, tablets, or laptops, and other computers and communication tools. ~~Do You may not take photos or videos anywhere in the courthouse. More importantly, while you are in the courtroom or while you are deliberating in the jury room, do~~ You cannot use your electronic devices for any reason while you are in the courtroom or while you are deliberating in the jury room. Please make sure that you have turned off your electronic devices while you are in the

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courtroom and during deliberations. You ~~must~~ cannot take notes with your electronic devices; you may only take notes on the paper notepad the court has provided to you.

When I say that you must not speak with anyone about this case ~~with anyone~~, this also applies to electronic communications. You must not communicate about the case electronically, on Google or Yahoo, or by any other form of internet application or “app.” You must not communicate about this case on Facebook, Twitter, or on any other social media site, through blogs, or by e-mail, text, or instant messaging. While this case is going on, you must not ~~“friend” or~~ attempt to “friend,” find, or look up on a social media site, anyone who is connected with this case in any way, including me, my court staff, the attorneys, parties, witnesses, or other jurors.

You must not look outside the courtroom for knowledge about this case at any time. If you have a question or need additional information, submit your request to me in writing. I will answer your question or provide the requested information if I can. However, you cannot use Google or any other internet website, or newspapers, magazines, dictionaries, books, maps, television, or radio to find out more. There may be names, words, or subjects that come up during this trial that you want to look up. You cannot do that. You must not search for information about the parties, witnesses, locations, events, facts, or legal issues involved with this case. You must decide this case only on the evidence that you see and hear in this courtroom. This rule may seem strange, because you use these tools on a daily basis, and you may think that looking for information is helpful, but doing this could jeopardize the trial, and it will violate your oath as a juror. Here are the reasons for this rule.

First, I am responsible for deciding what evidence you have, and my court staff carefully records the testimony of witnesses, marks exhibits, and maintains minutes to keep track of evidence. Every juror must decide this case on the body of evidence produced in court. Deciding the case based on information that one of you finds elsewhere ~~would~~ jeopardize the principle of giving the parties’ right to a fair trial based upon evidence presented in this courtroom. Second, the rules of evidence exist so that what you see and hear meets legal requirements. Information available outside the courtroom may be unreliable, and because I would not know what you might find on the internet, or in a book or newspaper from an outside source, I would have no way to determine whether that information is accurate ~~or inaccurate~~. Third, the parties have a right to examine witnesses, which is one of the fundamental principles of our legal system. If you obtain information outside this courtroom, you will be ignoring the right of the parties to examine the source or accuracy of that information. Finally, if a party has not met their burden of proof, you may not do research and try to fill that gap.

During jury selection, you agreed to follow the rules that apply to this case. You agreed to comply with this admonition when you took your oath as a trial juror. If a juror violates ~~these rules the admonition,~~ I may have to declare a mistrial and start the trial over again, beginning with calling a new jury. A mistrial is unfair to the parties, the attorneys, and the witnesses, all of whom must come back to court a second time. A mistrial is also financially costly to the taxpayers as well as the participants. If anyone has tried to contact you concerning the case, or if you believe that another juror has violated any of the rules the admonition, please send a note to me immediately. All of us have the responsibility to conduct this trial fairly.

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Form your opinions only after you have had an opportunity to discuss this case with each other in the jury room. Do not form final opinions about any fact or about the outcome of this case until you have heard and considered all of the evidence presented in court, the closing arguments, and the rest of the instructions. Keep an open mind during the trial.

Before a recess, I may say, “Remember the admonition” without repeating the entire admonition that I have just given to you. I do this as a reminder to keep this admonition in mind at all times. Even if I do not recite the words “Remember the admonition” before a recess, you must remember and obey the admonition until this trial is completely over.

[Optional: Present each juror with a smart juror card and say: “Here is something for you to keep that will also help you to remember the admonition.”]

3. “Smart juror” card or poster:



**Clean version. A mark-up of the September 28 meeting version follows.**

**Rule 122.1: Use of a portable electronic device [New]**

**a. Purpose.** This rule describes permissible uses of portable electronic devices in a courthouse and in a courtroom by attorneys, parties, witnesses, jurors, and members of the public.

**b. Definitions.** Words have the following meaning in this rule:

1. A “*portable electronic device*” is a mobile device capable of electronically storing, accessing, or transmitting information. The term encompasses among other things, a transportable computer of any size, including a tablet, a notebook, and a laptop; a smart phone, a cell phone, or other wireless phone; a camera and other audio or video recording devices; a personal digital assistant (PDA); other devices that provide internet access; and any similar items.
2. A “*courthouse*” includes all areas within the exterior walls of a court building, or if the court does not occupy the entire building, that portion of the building used for the administration and operation of the court.
3. A “*courtroom*” is an area of a courthouse or other building where a judge or other judicial officer conducts judicial proceedings.

**c. Photography and video recording.** No one may use a portable electronic device for photographs or for video recording in a courtroom, unless that use was approved under Rule 122 or was specifically authorized by a judge of that court. By local administrative order, a court may prohibit or limit photography or recording in other areas of a courthouse. A party or a member of the public may not photograph or video record a judge, a judicial employee, an attorney, a party or an opposing party, a victim, a witness, a juror, or a peace officer anywhere in the courthouse without the person’s consent. A violation of this section presumptively obstructs the administration of justice, and lessens the dignity and authority of the court. A court must use reasonable means to advise the public and court participants of prohibitions under this section.

**d. Jurors and witnesses.** A juror may not use a portable electronic device while present in a courtroom during a trial, or in a jury room during the jury’s deliberations and discussions concerning a case, and jurors must turn off their portable electronic devices while in those locations at those times. When a jury is deliberating, the court must provide jurors with a court telephone number at which an emergency message may be left for a juror. While in a courtroom, a witness must turn off any portable electronic device, and may use a device only with permission of a judge.

**e. Attorneys, parties, and members of the public.** Any person, other than a juror or a witness, may use a portable electronic device in a courtroom to retrieve or to store information, to access the internet, and to send and receive text messages or information. A portable electronic device may not be used to make or to receive telephone calls or for other audible functions while court

***Draft Rule 122.1 [New]***

***Nov 7 2012 meeting version: Clean + Markup of Sept 28 version***

is in session, and attorneys, parties, and members of the public must silence portable electronic devices while in the courtroom. Any allowed use of a portable electronic device is subject to the authority of a judge to prohibit activity that may be disruptive or distracting to a court proceeding, or to limit or to prohibit use that may otherwise be contrary to the administration of justice.

**f. Uses of a portable electronic device outside a courtroom.** Except as provided in sections (c), (d) and (e), any person may use a portable electronic device within a courthouse and outside of a courtroom, subject to the authority of judges, court administrators, or court security officers to limit or terminate activity that may be disruptive to court operations or that may compromise courthouse security.

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**Rule 122.1: Use of a portable electronic device** [New]

**a. Purpose.** This rule describes permissible uses of portable electronic devices ~~and the internet~~ in a courthouse and in a courtroom by attorneys, parties, witnesses, jurors, and members of the public.

**b. Definitions.** Words have the following meaning in this rule:

1. A “*portable electronic device*” is a mobile device capable of electronically storing, accessing, or transmitting information. The term encompasses among other things, a transportable computer of any size, including a tablet, a notebook, and a laptop; a smart phone, a cell phone, or other wireless phone; a camera and other audio or video recording devices; a personal digital assistant (PDA); other devices that provide internet access; and any similar items.
2. A “*courthouse*” includes all areas within the exterior walls of a court building, or if the court does not occupy the entire building, that portion of the building used for the administration and operation of the court.
3. A “*courtroom*” is an area of a courthouse or other building where a judge or ~~an~~ other judicial officer conducts ~~public~~ judicial proceedings.

**c. Photography and video recording.** No one may use a portable electronic device for photographs or for video recording in a courtroom, unless ~~that use was permitted~~ ~~approved~~ under Rule 122 or ~~was~~ specifically authorized by a judge of that court. ~~A court~~ ~~By local~~ administrative order, ~~a court~~ may prohibit or limit photography or recording in other areas of a courthouse. ~~A party or a member of the public may not photograph or video record a judge, a judicial employee, an attorney, a party or an opposing party, a victim, a witness, a juror, or a peace officer anywhere in the courthouse without the person’s consent. A violation of this section presumptively obstructs the administration of justice, and lessens the dignity and authority of the court.~~ A court must use reasonable means to advise the public ~~and court participants~~ of prohibitions ~~or limitations~~ under this section.

**d. Jurors and witnesses.** A juror may not use a portable electronic device while present in a courtroom during a trial, or in a jury room during the jury’s deliberations and discussions concerning a case, ~~and jurors must turn off their portable devices while in those locations at those times.~~ When a jury is deliberating, the court must provide jurors with a court telephone number at which an emergency message may be left for a juror. ~~While in a courtroom, A a~~ witness ~~must turn off any portable electronic device, and~~ may use a ~~portable electronic~~ device ~~in a courtroom~~ only with permission of a judge.

**e. Attorneys, parties, and members of the public.** ~~A judge may require by appropriate orders or advisements that attorneys, parties, or members of the public must silence or limit use of portable electronic devices while in the courtroom. Otherwise, a~~ Any person, other than a juror or a witness, may use a portable electronic device in a courtroom to retrieve or to store

*Draft Rule 122.1 [New]*

*Nov 7 2012 meeting version: Clean + Markup of Sept 28 version*

information, to access the internet, and to send and receive text messages or information. but a A portable electronic device may not be used to make or to receive telephone calls or for other audible functions while court is in session, and attorneys, parties, and members of the public must silence portable electronic devices while in the courtroom. Any allowed use of a portable electronic device is subject to the authority of a judge to terminate prohibit activity that may be disruptive or distracting to a court proceeding, or to limit or to prohibit use that may otherwise be contrary to the administration of justice.

**f. Uses of a portable electronic device outside a courtroom.** Except as provided in sections (c), (d) and (e), any person may use a portable electronic device within a courthouse and outside of a courtroom, subject to the authority of judges, court administrators, or court security officers to limit or terminate activity that may be disruptive to court operations or that may compromise courthouse security.

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*Draft Rule 122.1 [New]  
Nov 7 2012 meeting version: Clean + Markup of Sept 28 version*

**“Clean” version (Two mark-up versions follow):**

**Rule 122. Use of a Camera during a Court Proceeding**

**a. Purpose.** This rule allows the use of a camera during a court proceeding, subject to specified limitations and only after approval of the judge conducting the proceeding.

**b. Definitions.** The following definitions apply in this rule:

1. “*Camera*” is any electronic or mechanical device used to photograph, record, or broadcast still or moving images. The singular of “*camera*” includes the plural.
2. “*Court proceedings*” are events conducted in courtrooms. Court proceedings do not include events conducted in judicial chambers, in anterooms, in rooms where jurors assemble or deliberate, or in other areas of the courthouse.
3. “*Cover*” and “*coverage*” refer to the use of a camera.
4. A “*person*” includes any organization except a court. A court may provide coverage of its own proceedings, and it is exempt from the requirements of section (c).

**c. Request to cover a court proceeding.** A person who wishes to use a camera during a court proceeding must submit a written request to approve camera coverage. The person must submit the request to the judge who will conduct the proceeding, or to an office of the court designated by the presiding judge for receiving requests under this rule. The request must identify at a minimum the person who is submitting it, the case, the proceeding, and the date(s) of the proposed coverage. The submission of a request to cover a court proceeding provides a person with standing on the request, but it does not confer upon a person the status of a party to the case. If the specified proceeding is a trial, a person must submit a request at least seven calendar days before the trial date. 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 specified proceeding, to allow the judge to consider the request in a timely manner. However, if the court schedules a proceeding on less than seventy-two hours notice, a person must file the request sufficiently in advance of the proceeding as not to delay or interfere with it. The court will notify the parties of its receipt of a request for coverage. The judge will promptly hold a hearing if the judge intends to deny the request or a portion of the request, or if a party objects to a request.

**d. Time for objection to a request.** A party waives an objection to coverage unless the party objects to the request in writing or on the record no later than the commencement of the specified proceeding, or the conclusion of a hearing held under section (c), whichever occurs first. A non-party witness or victim may object to coverage of his or her appearance or testimony at any time.

**e. Factors to be considered.** In deciding whether to approve a request to cover a court proceeding, the judge conducting the proceeding must consider the following factors:

- (1) The impact of coverage upon the right of any party to a fair hearing or trial;

***Wireless Committee: Rule 122***

***Nov 7 2012 meeting version: Clean + Markup of Sept 28 version + Markup of Existing Rule***

- (2) The impact of coverage upon the right of privacy of any party or witness;
- (3) The impact of coverage upon the safety and well-being of any party, witness or juror;
- (4) The likelihood that coverage would distract participants, or that coverage would detract from the dignity of or disrupt a proceeding;
- (5) The adequacy of the physical facilities of the court;
- (6) The timeliness of the request pursuant to section (c) of this rule;
- (7) Whether the person making the request is engaged in the dissemination of news to a broad community; and
- (8) Any other factor affecting the fair administration of justice.

**f. Findings when a request for coverage is limited or denied.** The judge conducting the proceeding may limit or prohibit coverage only after making specific, on-the-record findings that there is a likelihood of harm arising from one or more of the above factors, and that the harm outweighs the benefit of camera coverage to the public. A judge may prohibit coverage of the appearance or testimony of a particular witness only upon a determination that it would have a greater adverse impact upon the witness or his or her testimony than other traditional methods of news reporting. A judge's decision to limit or to deny a request for coverage under this rule is reviewable only by special action.

**g. Manner of coverage.** The judge conducting the proceeding will preserve the dignity of the proceeding by designating the placement of equipment and personnel for photographing, recording, or broadcasting the proceeding, and all equipment and personnel will be restricted to the designated area. Photographers and camera operators may not move about the courtroom while court is in session. All persons and affiliated individuals engaged in the coverage must avoid conduct or dress that may detract from the dignity of the proceeding. The judge conducting the proceeding may order a restriction or cessation of camera coverage during a proceeding in furtherance of the interests of justice.

**h. Equipment.** A person must not install, move, or take equipment from the courtroom during a court proceeding. A person must hide wiring as much as possible, and wiring must not cause an inconvenience or a hazard. A person may connect equipment used to provide coverage to an existing courtroom sound system, if possible, but a person must not connect equipment to a court's digital recording system. A person must not bring flash devices, strobe lights or other artificial lights of any kind into the courtroom. If a person wishes to use additional standard light fixtures or higher wattage light bulbs, additional microphones, or other modifications or improvements concerning lighting or sound, the person must submit this information in the request under section (c). The judge may direct whatever modifications or improvements deemed necessary. The judge may not require that public funds be used to make or to maintain any such modifications or improvements. Cameras and microphones used for coverage must meet current industry standards, so that they are as unobtrusive and as equivalent in technical quality and

***Wireless Committee: Rule 122***

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sensitivity as equipment in general use by major broadcast stations in the community where the courtroom is located. Cameras that produce distracting sounds are not permitted. Any questions concerning whether particular equipment complies with this rule will be resolved by the presiding judge or a designee.

**i. Number of cameras; pool cameras.** A request submitted under section (c) may ask the judge to approve coverage by video camera or by still camera. The presumptive limits are one video camera and one still camera, but the judge conducting the proceeding has discretion to approve a person's request to use additional cameras. If a judge approves requests by more than one person to cover a court proceeding, those persons must pool their resources to limit cameras in the courtroom to the number approved by the judge. Those persons have the responsibility to settle their own disputes, to facilitate pooling as necessary, and to implement procedures that meet the approval of the assigned judge prior to any coverage and without disruption to the court.

**j. Recording not admissible as evidence.** No video, photograph, or audio reproduction of a judicial proceeding that is obtained pursuant to this rule or Rule 122.1 may be used to modify or supplement the official court record of that proceeding, nor is it admissible at that or any subsequent proceeding unless it is offered for another purpose allowed under the Arizona Rules of Evidence.

**k. Informal approval of camera use.** Notwithstanding other provisions of this rule, a person may verbally request, and a judge may verbally approve, use of a camera in a courtroom to photograph or to record celebratory or ceremonial court proceedings, or use of a camera in a courtroom while court is not in session.

**l. Prohibitions.** Recording or broadcasting is not permitted in the following circumstances.

**1. Jurors.** Cameras must be placed to avoid showing jurors in any manner. Audio or video recordings or broadcasts of juror interviews, statements, or conversations are also prohibited, except that a juror may expressly consent to an interview after the jury has been discharged.

**2. Attorney conferences.** Audio recordings or broadcasts of bench conferences between a judge and counsel, or off-the-record conferences between attorneys and their clients, or between attorneys, anywhere in the courthouse are prohibited.

**3. Other areas of the courthouse.** A person whose request under this rule has been granted may not photograph, record in, or broadcast from, locations in a courthouse where a court proceeding is not being conducted, without the judge's express approval.

**4. Juvenile proceedings.** Photographing, recording, or broadcasting of juvenile court proceedings is only as allowed by Arizona law, or as provided in section (k).

**5. Criminal proceedings.** In a criminal proceeding, a judge on his or her own motion, or upon the request of a victim and after consideration of the factors in section (e), may order that no one may photograph, record, or broadcast the victim in the courtroom. The

**Wireless Committee: Rule 122**

**Nov 7 2012 meeting version: Clean + Markup of Sept 28 version + Markup of Existing Rule**

judge may alternatively order that video coverage must effectively obscure the victim's face and identity, or that there may only be audio coverage of the victim's testimony.

**m. Personal audio recorders.** A journalist or other person, without prior approval of the judge conducting the proceeding, may use a personal audio recorder in the courtroom if that use is not obtrusive, distracting, or otherwise prohibited. If a journalist wishes to audio record a proceeding with a device that is not on the person of the journalist, the journalist must obtain permission pursuant to this rule.

**n. Camera use prohibited without prior approval; signs.** Use of a camera during court proceedings is forbidden except as allowed by this rule. Every courtroom must have at least one sign that informs the public: *“Use of a camera during court proceedings without permission of the judge may be punished as contempt of court and require surrender of the camera.”*

**o. Other governing law.** The law generally applicable to inclusion or exclusion of the press or the public at court proceedings or during the testimony of a particular witness applies to persons who submit a request under this rule. Nothing in this rule alters the obligation of any attorney to comply with the provisions of the Arizona Rules of Professional Conduct governing trial publicity.

**p. Appellate courts.** For coverage of proceedings in the Arizona Supreme Court and Courts of Appeal, any reference in this rule to the *“judge conducting the proceeding”* or to the *“presiding judge”* means the Chief Justice of the Arizona Supreme Court or the Chief Judge of the Court of Appeals, as applicable.

**Changes to the version presented at the September 28 Wireless Committee meeting**

Changes made following the September 28 meeting are shown in **yellow highlight**

**Rule 122. Use of a Camera during a Court Proceeding**

**a. Purpose.** This rule allows the use of a camera during a court proceeding, subject to specified limitations and only after approval of the judge conducting the proceeding.

**b. Definitions.** The following definitions apply in this rule:

1. “*Camera*” is any electronic or mechanical device used to photograph, record, or broadcast still or moving images. The singular of “*camera*” includes the plural.
2. “*Court proceedings*” are events conducted in courtrooms. Court proceedings do not include events conducted in judicial chambers, in anterooms, in rooms where jurors assemble or deliberate, or in other areas of the courthouse.
3. “*Cover*” and “*coverage*” refer to the use of a camera.
4. A “*person*” includes **any organization except a court. A court may provide coverage of its own proceedings, and it is exempt from the requirements of section (c).**

**c. Request to cover a court proceeding.** A person who wishes to use a camera during a court proceeding must submit a written request **asking the judge conducting the proceeding** to approve camera coverage. The person must submit the request to the **presiding judge who will conduct the proceeding**, or to an office of the court designated by the presiding judge **for receiving requests under this rule.** ~~and~~ **The request** must identify **at a minimum the person who is submitting it**, the case, the proceeding, and the date(s) of the proposed coverage. The submission of a request to cover a court proceeding provides a person with standing **under this rule on the request**, but it does not confer upon ~~the a~~ **the a** person the status of a party to the case. If the specified proceeding is a trial, **the a person must submit the a request must be submitted** at least seven calendar days before the trial date; ~~otherwise,~~ **If the proceeding is not a trial, the a person must submit the a request must be submitted** as soon as possible, and no less than forty-eight hours before the specified proceeding, to allow the judge to consider the request in a timely manner. **However, if the court schedules a proceeding on less than seventy-two hours notice, the a person must file the request sufficiently in advance of the proceeding as not to delay or interfere with it.** The court will notify the parties of its receipt of a request for coverage. The judge will promptly hold a hearing if the judge intends to deny the request or a portion of the request, or if a party objects to a request.

**d. Time for objection to a request.** A party ~~must waive an objection to coverage unless the party objects~~ **to the request in writing or on the record no later than the commencement of the specified proceeding, or the conclusion of a hearing held under section (c), or the commencement of the specified proceeding, whichever occurs first, or any objection is waived.** A non-party witness or victim may object to coverage of his or her appearance or testimony at any **time, before or during the witness’ or victim’s appearance or testimony.**

**e. Factors to be considered.** In deciding whether to approve a request to cover a court proceeding, the judge conducting the proceeding must consider the following factors:

- (1) The impact of coverage upon the right of any party to a fair hearing or trial;
- (2) The impact of coverage upon the right of privacy of any party or witness;
- (3) The impact of coverage upon the safety and well-being of any party, witness or juror;
- (4) The likelihood that coverage would distract participants, or that coverage would detract from the dignity of or disrupt a proceeding;
- (5) The adequacy of the physical facilities of the court;
- (6) The timeliness of the request pursuant to section (c) of this rule;
- (7) Whether the person making the request is engaged in the dissemination of news to a broad community; and
- (8) Any other factor affecting the fair administration of justice.

**f. Findings when a request for coverage is limited or denied.** The judge conducting the proceeding may limit or prohibit coverage only after making specific, on-the-record findings that there is a likelihood of harm arising from one or more of the above factors, and that the harm outweighs the benefit of camera coverage to the public. A judge may prohibit coverage of the appearance or testimony of a particular witness only upon a determination that it would have a greater adverse impact upon the witness or his or her testimony than other traditional methods of news reporting. A judge's decision to limit or to deny a request for coverage under this rule is reviewable only by special action.

**g. Manner of coverage.** The judge conducting the proceeding will preserve the dignity of the proceeding by designating the placement of equipment and personnel for photographing, recording, or broadcasting the proceeding, and all equipment and personnel will be restricted to the designated area. Photographers and camera operators may not move about the courtroom while court is in session. All persons and affiliated individuals engaged in the coverage must avoid conduct or dress that may detract from the dignity of the proceeding. The judge conducting the proceeding may order a restriction or cessation of camera coverage during a proceeding in furtherance of the interests of justice.

**h. Equipment.** ~~Whenever possible, media equipment must remain outside the courtroom.~~ ~~Equipment~~ A person must not be installed, moved, or taken ~~equipment~~ from the courtroom during a court proceeding. A person must hide ~~Wiring must be hidden~~ as much as possible, and wiring must not cause an inconvenience or a hazard. A person may connect ~~Equipment~~ used to provide coverage ~~may be connected~~ to an existing courtroom sound system, if possible, but a person must not connect ~~equipment must not be connected~~ to a court's digital recording system.

**Wireless Committee: Rule 122**

**Nov 7 2012 meeting version: Clean + Markup of Sept 28 version + Markup of Existing Rule**

A person must not bring flash devices, strobe lights or other artificial lights of any kind into the courtroom. If a person wishes to use additional standard light fixtures or higher wattage light bulbs, additional microphones, or other modifications or improvements concerning lighting or sound, the person must submit this information in the request under section (c). The judge may direct whatever modifications or improvements deemed necessary, ~~and~~ The judge may not require that public funds not be used to make or to maintain any such modifications or improvements. Cameras and microphones used for coverage must meet current industry standards, so that they are as unobtrusive and as equivalent in technical quality and sensitivity as equipment in general use by major broadcast stations in the community where the courtroom is located. Cameras that produce distracting sounds are not permitted. Any questions concerning whether particular equipment complies with this rule will be resolved by the presiding judge or a designee.

**i. Number of cameras; pool cameras.** A request submitted under section (c) may ask the judge to approve coverage by video camera or by still camera. The presumptive limits are one video camera and one still camera, but the judge conducting the proceeding has discretion to approve a person's request to use more than one video additional cameras. If a judge approves requests by more than one person to cover a court proceeding, those persons must pool their resources to limit cameras in the courtroom to the number approved by the judge. Those persons have the responsibility to settle their own disputes, to facilitate pooling as necessary, and to implement procedures that meet the approval of the assigned judge prior to any coverage and without disruption to the court.

**j. Recording not admissible as evidence.** No video, photograph, or audio reproduction of a judicial proceeding that is obtained pursuant to this rule or Rule 122.1 may be used to modify or supplement the official court record of that proceeding, nor is it admissible at that or any subsequent proceeding unless it is offered for another purpose allowed under the Arizona Rules of Evidence.

**k. Informal approval of camera use.** Notwithstanding other provisions of this rule, a person may verbally request, and a judge may verbally approve, use of a camera in a courtroom to photograph or to record celebratory or ceremonial court proceedings, or use of a camera in a courtroom while court is not in session.

**l. Prohibitions.** Recording or broadcasting is not permitted in the following circumstances.

**1. Jurors.** Cameras must be placed to avoid showing jurors in any manner. Audio or video recordings or broadcasts of juror interviews, statements, or conversations are also prohibited, except that a juror may expressly consent to an interview after the jury has been discharged.

**2. Attorney conferences.** Audio recordings or broadcasts of bench conferences between a judge and counsel, or off-the-record conferences between attorneys and their clients, or between attorneys, anywhere in the courthouse are prohibited.

**3. Other areas of the courthouse.** A person whose request under this rule has been granted may not photograph, record in, or broadcast from, locations in a courthouse where a court proceeding is not being conducted, without the judge's express approval.

**4. Juvenile proceedings.** Photographing, recording, or broadcasting of juvenile court proceedings is ~~prohibited only as allowed by Arizona law, except or~~ as provided in section (k).

~~**5. Criminal proceedings.** The victim or the next of kin in a criminal proceeding may request the judge that he or she not be photographed, recorded, or broadcast while in the courtroom, or that only audio coverage of his or her testimony, or video coverage that effectively obscures the victim's face and identity, be permitted.~~

**5. Criminal proceedings.** In a criminal proceeding, a judge on his or her own motion, or upon the request of a victim and after consideration of the factors in section (e), may order that no one may photograph, record, or broadcast the victim in the courtroom. The judge may alternatively order that video coverage must effectively obscure the victim's face and identity, or that there may only be audio coverage of the victim's testimony.

**m. Personal audio recorders.** A ~~credentialed~~ journalist ~~or other person,~~ without ~~prior~~ approval of the judge conducting the proceeding, may use a personal audio recorder in the courtroom if that use is not obtrusive, ~~or~~ distracting, ~~or otherwise prohibited.~~ ~~If a journalist wishes to audio record a proceeding with a device that is not on the person of the journalist, the journalist must obtain permission pursuant to this rule.~~

**n. Camera use prohibited without prior approval; signs.** Use of a camera during court proceedings is forbidden except as allowed by this rule. Every courtroom must have at least one sign that informs the public: *"Use of a camera during court proceedings without permission of the judge may be punished as contempt of court and require surrender of the camera."*

**o. Other governing law.** The law generally applicable to inclusion or exclusion of the press or ~~the~~ public at court proceedings or during the testimony of a particular witness applies to persons who submit a request under this rule. Nothing in this rule alters the obligation of any attorney to comply with the provisions of the Arizona Rules of Professional Conduct governing trial publicity.

**p. Appellate courts.** For coverage of proceedings in the Arizona Supreme Court and Courts of Appeal, any reference in this rule to the *"judge conducting the proceeding"* or to the *"presiding judge"* means the Chief Justice of the Arizona Supreme Court or the Chief Judge of the Court of Appeals, as applicable.

**Mark-up version of the current rule:**

**Rule 122: ~~Electronic and Photographic Coverage of Public Judicial~~ Use of a Camera during a Court Proceedings**

~~Electronic and still photographic coverage of public judicial proceedings conducted by a judicial officer during sessions of court may be permitted in accordance with the following guidelines:~~

~~(a) No electronic or still photographic coverage of juvenile court proceedings shall be permitted, except that such coverage may be permitted in adoption proceedings for the purpose of memorializing the event, with the agreement of the parties to the proceeding and the court. [Note: see section (k)(4).]~~

**a. Purpose.** This rule allows the use of a camera during a court proceeding, subject to specified limitations and only after approval of the judge conducting the proceeding.

**b. Definitions.** The following definitions apply in this rule:

1. “Camera” is any electronic or mechanical device used to photograph, record, or broadcast still or moving images. The singular of “camera” includes the plural.

2. “Court proceedings” are events conducted in courtrooms. Court proceedings do not include events conducted in judicial chambers, in anterooms, in rooms where jurors assemble or deliberate, or in other areas of the courthouse.

3. “Cover” and “coverage” refer to the use of a camera.

4. A “person” includes any organization except a court. A court may provide coverage of its own proceedings, and it is exempt from the requirements of section (c).

**c. Request to cover a court proceeding.** A person who wishes to use a camera during a court proceeding must submit a written request to approve camera coverage. The person must submit the request to the judge who will conduct the proceeding, or to an office of the court designated by the presiding judge for receiving requests under this rule. The request must identify at a minimum the person who is submitting it, the case, the proceeding, and the date(s) of the proposed coverage. The submission of a request to cover a court proceeding provides a person with standing on the request, but it does not confer upon the person the status of a party to the case. If the specified proceeding is a trial, the person must submit a request at least seven calendar days before the trial date. If the proceeding is not a trial, the person must submit a request as soon as possible, and no less than forty-eight hours before the specified proceeding, to allow the judge to consider the request in a timely manner. However, if the court schedules a proceeding on less than seventy-two hours notice, the person must file the request sufficiently in advance of the proceeding as not to delay or interfere with it. The court will notify the parties of its receipt of a request for coverage. The judge will promptly hold a hearing if the judge intends to deny the request or a portion of the request, or if a party objects to a request.

**d. Time for objection to a request.** A party waives an objection to coverage unless the party objects to the request in writing or on the record no later than the commencement of the specified proceeding, or the conclusion of a hearing held under section (c), whichever occurs first. A non-party witness or victim may object to coverage of his or her appearance or testimony at any time.

~~(b) Electronic and still photographic coverage of public judicial proceedings other than the proceedings specified in paragraph (a) above may be permitted in the discretion of the judge giving due~~ **e. Factors to be considered.** In deciding whether to approve a request to cover a court proceeding, the judge conducting the proceeding must ~~consideration to~~ the following factors:

- ~~(i)~~ **(1)** The impact of coverage upon the right of any party to a fair hearing or trial;
- ~~(ii)~~ **(2)** The impact of coverage upon the right of privacy of any party or witness;
- ~~(iii)~~ **(3)** The impact of coverage upon the safety and well-being of any party, witness or juror;
- ~~(iv)~~ **(4)** The likelihood that coverage would distract participants, or that coverage would detract from the dignity of or disrupt the a proceedings;
- ~~(v)~~ **(5)** The adequacy of the physical facilities of the court ~~for coverage~~;
- ~~(vi)~~ **(6)** The timeliness of the request pursuant to ~~subsection (f)~~ **(c)** of this ~~Rule~~; ~~and~~
- (7)** Whether the person making the request is engaged in the dissemination of news to a broad community; and
- ~~(vii)~~ **(8)** Any other factor affecting the fair administration of justice.

[Note: Suggest adding “age of the party or witness” as a factor for the judge to consider]

~~(e)~~ **f. Findings when a request for coverage is limited or denied.** The judge conducting the proceeding may limit or prohibit ~~electronic or still photographic~~ coverage only after making specific, on-the-record findings that there is a likelihood of harm arising from one or more of the above factors, and that the harm outweighs the benefit of camera coverage to the public ~~of camera coverage~~. ~~(d) Electronic and still photographic~~ **A judge may prohibit** coverage of the appearance or testimony of a particular witness ~~may be prohibited if the judge determines~~ **only upon a determination** that such coverage it would have a greater adverse impact upon the witness or his or her testimony than ~~non-electronic and non-photographic coverage would have~~ **other traditional methods of news reporting.** ~~(e) The law generally applicable to inclusion or exclusion of the press or public at court proceedings or during the testimony of particular witness shall apply to the coverage hereunder.~~ [Note: See new section (n)] The exercise of the A judge's discretion in decision to limiting or to deny precluding electronic or still photographic coverage shall be a request for coverage under this rule is reviewable only by special action.

**Wireless Committee: Rule 122**

**Nov 7 2012 meeting version: Clean + Markup of Sept 28 version + Markup of Existing Rule**

~~(f) Requests by the media for coverage shall be made to the judge of the particular proceeding sufficiently in advance of the proceeding or portion thereof as not to delay or interfere with it. Unless the judicial proceeding is scheduled on less than three days notice, the request to tape or photograph a proceeding must be made no less than two days in advance of the hearing. The judge shall notify all parties and witnesses of the request. If there is any objection to a request for camera coverage or an order allowing electronic or still photographic coverage, the court shall hold a hearing promptly. [Note: See new section (c)]~~

~~(g) Objections of a party to coverage must be made on the record prior to commencement of the proceeding or portion thereof for which coverage is requested. Objections of a non-party witness to coverage of his or her appearance or testimony may be made to the judge at any time. Any objection not so made will be deemed waived. [Note: See new section (d)]~~

~~(h) Nothing herein shall alter the obligation of any attorney to comply with the provisions of the Arizona Rules of Professional Conduct governing trial publicity. [Note: See new section (n)]~~

~~(i) Individual journalists may use their personal audio recorders in the courtroom, but such usage shall not be obtrusive or distracting and no changes of tape or reels shall be made during court sessions. In all other respects, news reporters or other media representatives not using cameras or electronic equipment shall not be subject to these guidelines. [Note: See new section (l)]~~

~~(j) No media film, videotape, still photograph or audio reproduction of a judicial proceeding shall be admissible as evidence in such proceeding or in any retrial or appeal thereof. [Note: See new section (j)]~~

~~(k) Coverage of jurors in a manner that will permit recognition of individual jurors by the public is strictly forbidden. Where possible, cameras should be placed so as to avoid photographing jurors in any manner. [Note: See new section (k)(1)]~~

~~(l) Absent express permission of the court, there shall be no audio recording or broadcasting of conferences in the court building between attorneys and their clients, between attorneys, of jury interviews or in any part of the court building where a judicial proceeding is not being conducted. [Note: See new sections (k)(1), (k)(2), and (k)(3)]~~

~~(m) It shall be the responsibility of the media to settle disputes among media representatives, facilitate pooling where necessary, and implement procedures which meet the approval of the judge of the particular proceeding prior to any coverage and without disruption to the court. If necessary the media representatives shall elect a spokesperson to confer with the court. [Note: See new section (i)]~~

~~(n) No more than one television camera and one still camera mounted on a tripod, each with a single camera operator, shall be permitted in the courtroom for coverage at any time while court is in session. The broadcast media shall select a representative to arrange the pooling of media participants. The court shall not participate in the pooling agreement. [Note: See new section (i)]~~

~~(o)~~ **g. Manner of coverage.** The judge conducting the proceeding of a particular proceeding shall, in a manner which will preserve the dignity of the the proceeding, ~~by designating~~ the placement of equipment and personnel for ~~electronic and still photographic coverage of~~ photographing, recording, or broadcasting ~~that~~ the proceeding, and all equipment and personnel shall will be restricted to the designated area so designated. Whenever possible, media equipment and personnel shall be placed outside the courtroom. Videotape recording equipment not a component part of a television camera shall be placed outside the courtroom. To the extent possible, wiring shall be hidden, and in any event shall not be obtrusive or cause inconvenience or hazard. While court is in session, equipment shall not be installed, moved or taken from the courtroom nor shall ~~p~~Photographers or and camera operators may not move about the courtroom while court is in session. ~~(p)~~ All persons and affiliated individuals engaged in the coverage permitted hereunder shall must avoid conduct or dress which that may detract from the dignity of the proceedings. The judge conducting the proceeding may order a restriction or cessation of camera coverage during a proceeding in furtherance of the interests of justice.

~~(q)~~ **h. Equipment.** A person must not install, move, or take equipment from the courtroom during a court proceeding. A person must hide wiring as much as possible, and wiring must not cause an inconvenience or a hazard. A person may connect If possible, media equipment used to provide coverage shall be connected to an existing courtroom sound systems, if possible, but a person must not connect equipment to a court's digital recording system. ~~No~~ A person must not bring flash bulbs devices, strobe lights or other artificial lights of any kind shall be brought into the courtroom. ~~by the media for use in coverage of a proceeding. Where the addition of~~ If a person wishes to use additional standard light fixtures or higher wattage light bulbs, additional standard light fixtures, additional microphones, or other modifications or improvements are sought by the media, the media, through their spokesperson, shall make their recommendations concerning lighting or sound, the person must submit this information in the request under section (c). ~~to~~ ~~†~~The presiding judge ~~of the Superior Court,~~ who may direct whatever modifications or improvements deemed necessary, and The judge may not require that public funds be used to make or to maintain ~~A~~any such modifications or improvements shall be made and maintained without public expense. ~~(r)~~ Television or still cameras which produce distracting sound shall not be permitted. In this regard, the presiding judge may consider a non-digital still camera acceptable if accompanied by a device that effectively muffles camera sounds. ~~(s)~~ Cameras and microphones used in the for coverage permitted hereunder shall must meet the "state-of-the-art." A camera or microphone shall be deemed to meets the "state-of-the-art" when equal in unobtrusiveness, current industry standards, so that they are as unobtrusive and as equivalent in technical quality and sensitivity to as equipment in general usage use by the major broadcast stations in the community in which where the courtroom is located. Cameras that produce distracting sounds are not permitted. ~~(t)~~ Any questions concerning whether particular equipment complies with these guidelines shall this rule will be resolved by the presiding judge ~~of the Superior Court~~ or a designee.

**i. Number of cameras; pool cameras.** A request submitted under section (c) may ask the judge to approve coverage by video camera or by still camera. The presumptive limits are one video camera and one still camera, but the judge conducting the proceeding has discretion to approve a person's request to use additional cameras. If a judge approves requests by more than one person to cover a court proceeding, those persons must pool their resources to limit cameras in the

courtroom to the number approved by the judge. Those persons have the responsibility to settle their own disputes, to facilitate pooling as necessary, and to implement procedures that meet the approval of the assigned judge prior to any coverage and without disruption to the court.

**j. Recording not admissible as evidence.** No video, photograph, or audio reproduction of a judicial proceeding that is obtained pursuant to this rule or Rule 122.1 may be used to modify or supplement the official court record of that proceeding, nor is it admissible at that or any subsequent proceeding unless it is offered for another purpose allowed under the Arizona Rules of Evidence.

**k. Informal approval of camera use.** Notwithstanding other provisions of this rule, a person may verbally request, and a judge may verbally approve, use of a camera in a courtroom to photograph or to record celebratory or ceremonial court proceedings, or use of a camera in a courtroom while court is not in session.

**l. Prohibitions:** Recording or broadcasting is not permitted in the following circumstances.

**1. Jurors:** Cameras must be placed to avoid showing jurors in any manner. Audio or video recordings or broadcasts of juror interviews, statements, or conversations are also prohibited, except that a juror may expressly consent to an interview after the jury has been discharged.

**2. Attorney conferences:** Audio recordings or broadcasts of bench conferences between a judge and counsel, or off-the-record conferences between attorneys and their clients, or between attorneys, anywhere in the courthouse are prohibited.

**3. Other areas of the courthouse:** A person whose request under this rule has been granted may not photograph, record in, or broadcast from, locations in a courthouse where a court proceeding is not being conducted, without the judge's express approval.

**4. Juvenile proceedings:** Photographing, recording or broadcasting of juvenile court proceedings is only as allowed by Arizona law, or as provided in section (k).

[Note: Suggest adding domestic relations, probate, mental health proceedings, and closed proceedings, to this provision.]

**5. Criminal proceedings:** In a criminal proceeding, a judge on his or her own motion, or upon the request of a victim and after consideration of the factors in section (e), may order that no one may photograph, record, or broadcast the victim in the courtroom. The judge may alternatively order that video coverage must effectively obscure the victim's face and identity, or that there may only be audio coverage of the victim's testimony.

**m Personal audio recorders.** A journalist or other person, without prior approval of the judge conducting the proceeding, may use a personal audio recorder in the courtroom if that use is not obtrusive, distracting, or otherwise prohibited. If a journalist wishes to audio record a proceeding with a device that is not on the person of the journalist, the journalist must obtain permission pursuant to this rule.

**n. Camera use prohibited without prior approval; signs:** Use of a camera during court proceedings is forbidden except as allowed by this rule. Every courtroom must have at least one sign that informs the public: *“Use of a camera during court proceedings without permission of the judge may be punished as contempt of court and require surrender of the camera.”*

**o. Other governing law:** The law generally applicable to inclusion or exclusion of the press or the public at court proceedings or during the testimony of a particular witness applies to persons who submit a request under this rule. Nothing in this rule alters the obligation of any attorney to comply with the provisions of the Arizona Rules of Professional Conduct governing trial publicity.

~~(u) To facilitate implementation of this rule, the presiding judge of the Superior Court may appoint an advisory committee to make recommendations regarding improvements affecting media coverage of judicial proceedings.~~

~~(v)~~ **p. Appellate courts:** In the case of **For** coverage of proceedings in the Arizona Supreme Court and Courts of Appeal, any references herein in this rule to the “judge conducting the proceeding” or to “judge of the particular proceeding” or the “presiding judge of the Superior Court” shall mean the Chief Justice of the Arizona Supreme Court or the Chief Judge of the Court of Appeals, as the case may be applicable.

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