

*Arizona Supreme Court
Judicial Ethics Advisory Committee*

ADVISORY OPINION 79-01
(January 9, 1979)

**Interpretation of Omission in Canon 3A(7)
of the 1972 ABA Model Code**

Issues

What was the intent of the Supreme Court in deleting the words "or recesses between sessions" which appear in Canon 3A(7) of the 1972 ABA Model Code?

Answer: See discussion.

Discussion

The judge requesting this opinion asked the Judicial Ethics Advisory Committee about the intent of the Supreme Court of Arizona because of the deletion of the words "or recesses between sessions" which appear in Canon 3A(7) of the Model Code of Judicial Conduct adopted by the House of Delegates of the American Bar Association on August 16, 1972, which reads as follows:

A judge should prohibit broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto during sessions of court or recesses between sessions.

The Supreme Court of Arizona adopted the 1972 Model Code of Judicial Conduct with amendments on October 27, 1975. Canon 3A(7), as amended by the Supreme Court, reads as follows:

A judge should prohibit broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto during sessions of court.

Seemingly the judge's particular concern is the effect upon jurors during recesses between sessions of court by persons using radio, television, recording or photographic equipment in courtrooms and in the areas immediately adjacent to the courtrooms. It is the opinion of this Advisory Committee that it is safe to assume that, by the deletion of the words "or recesses between sessions," the Supreme Court intended by Canon 3A(7), as amended, to permit broadcasting, televising, recording or taking photographs in the courtroom and areas immediately adjacent thereto during recesses between sessions whether trials to the court sitting with or without a jury are in progress. However, this opinion should not be construed to mean that a judge, in the interest of justice, may not prohibit broadcasting, televising, recording or taking photographs in the courtroom or areas immediately adjacent thereto during recesses between sessions.

Advisory Opinion 79-01

Applicable Code Sections

Arizona Code of Judicial Conduct, Canon 3A(7) (1975).

Other References

Model Code of Judicial Conduct, Canon 3A(7), American Bar Association (1972).

Notice

Canon 3A(7) has been substantially modified since its original adoption, and the 1993 version of the Code of Judicial Conduct does not contain any guidelines governing the use of cameras in the courtroom during judicial proceedings. These guidelines are now found in Rule 122 of the Rules of the Supreme Court.