

IN THE SUPREME COURT OF THE STATE OF ARIZONA

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In the Matter of: )  
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SPECIAL ELECTRONIC ACCESS TO ) Administrative Order  
SUPERIOR COURT PROCEEDINGS ) No. 2003 - 85  
\_\_\_\_\_ )

Arizona Supreme Court Rule 122 permits electronic and photographic access to court proceedings subject to certain specified limitations and subject to the trial judge's approval of the proposed access. It is in the public interest that people understand as fully as possible the operation of the justice system, and the courts in particular. A major national television network proposes to produce a program in Arizona that will promote this interest and will require extraordinary access to judicial proceedings.

Now, therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that the Presiding Judge of the Superior Court in Maricopa County is hereby delegated authority to selectively waive provisions of Arizona Supreme Court Rule 122 to permit filming the proposed program if such waiver is necessary and reasonable, does not compromise the trial judge's ability to manage the selected case, and the parties, their counsel, jurors, and other participants involved, consent in advance in writing. In exercising this authority, the Presiding Judge shall consider and implement appropriate measures to address the following issues:

- (i) The impact of coverage upon the rights of any party to a fair trial;
- (ii) The impact of coverage upon the right of privacy of any party;
- (iii) The impact of coverage upon the safety and well-being of any party, or juror;
- (iv) The likelihood that coverage would distract participants or would detract from the dignity of the proceedings;
- (v) The adequacy of the physical facilities of the court for coverage; and
- (vi) Any other factor affecting the fair administration of justice.

IT IS FURTHER ORDERED that the trial judge in this proceeding shall have sole discretion, as provided in Rule 122 and provisions related or comparable to Rule 122 for matters permitted by the Presiding Judge's order, to regulate how filming is actually conducted on a day-to-day basis and rule upon issues concerning the filming that arise during trial in a particular case.

IT IS FURTHER ORDERED that each juror shall be required to complete a jury questionnaire in a form similar to that used previously in the Superior Court of Arizona for these purposes and approved by the Presiding Judge that specifically addresses consent to be filmed throughout the proceeding for a national broadcast on public television and the nature and general surrounding facts and circumstances of the case to be filmed, and provisions and effect of this order.

IT IS FURTHER ORDERED that the court shall not permit filming of the parties, their counsel or jurors without their express written consent on a form that fully discloses that the trial will be filmed for a national broadcast and the usual further ancillary distribution.

IT IS FURTHER ORDERED that the judge of the particular proceeding or the Presiding Judge of Maricopa County in his or her sole discretion may terminate the filming at any time based upon the criteria enumerated in Rule 122(b) or for any other reason affecting the impartial and effective administration of justice. The judge shall expressly reserve this authority in any agreements, written or oral, concerning the filming.

IT IS FURTHER ORDERED that the jury questionnaire and consent forms be submitted for approval by the Chief Justice.

Dated this 25 th day of August, 2003.

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CHARLES E. JONES  
Chief Justice