



Tucson City Court Administrative Directive

SUBJECT ELECTRONIC AND PHOTOGRAPHIC COVERAGE OF PUBLIC JUDICIAL PROCEEDINGS	NUMBER 260-18	PAGE 1 of 3
	PAGE ISSUE DATE January 1, 2011 REVISED DATE September 24, 2013	

I. PURPOSE

To establish a policy for allowing access to the court for the purposes of producing electronic and photographic coverage of public judicial proceedings in the Tucson City Court building or courtrooms consistent with Arizona Supreme Court Rule 122, Electronic and Photographic Coverage of Public Judicial Proceedings.

II. POLICY

- A. Electronic and photographic coverage of public judicial proceedings in courtrooms and areas immediately adjacent thereto, may be permitted at the discretion of the judge presiding over a case, giving due consideration to the factors contained in Arizona Supreme Court Rule 122, Electronic and Photographic Coverage of Public Judicial Proceedings (see Appendix A).
- B. Responsible management of the news media (camera crews, equipment crews, and reporters) is necessary to maintain order, control, and safety, and a sense of decorum in the court.
- C. In areas of the court, other than courtrooms, the use of photographic equipment is prohibited without the specific authorization of the Presiding Magistrate or designee.

III. IMPLEMENTING INSTRUCTIONS

A. **Media Interviews**

All media interviews of persons conducted on court premises will be coordinated with court administration and conducted in a location established by court administration. The intent is to maintain order, control, safety, and a sense of decorum in the court.

B. **Requesting Access**

Requests for electronic or photographic coverage of public judicial proceedings conducted within the Tucson City Court building or courtrooms will request access



Tucson City Court Administrative Directive

SUBJECT ELECTRONIC AND PHOTOGRAPHIC COVERAGE OF PUBLIC JUDICIAL PROCEEDINGS	NUMBER 260-18	PAGE 2 of 3
	PAGE ISSUE DATE January 1, 2011 REVISED DATE September 24, 2013	

no less than two working days in advance of the proceeding. Requests will be submitted by filing a motion, *REQUEST FOR ELECTRONIC OR PHOTOGRAPHIC COVERAGE OF PUBLIC JUDICIAL PROCEEDINGS* (see Appendix B), with the Court Administrator, Room 201, telephone (520) 791-4189, fax number (520) 791-5692, who will route the motion to the appropriate judge.

C. Access (Requests for electronic or photographic coverage of public judicial proceedings)

The judge assigned to the proceeding or if this judge is unavailable, the Presiding Magistrate, will review the motion and issue an order to either grant or deny access. The order will cover the limits of access and will require that all persons with electronic recording devices or cameras comply with the provisions of the Arizona Supreme Court Rule 122, Electronic and Photographic Coverage of Public Judicial Proceedings. A copy of the judge's order will be provided to Court Administration.

D. Twice-a-Day Initial Appearances (2XIA)

Twice-a-Day Initial Appearances (2XIA) held at the Pima County Jail, are pre-approved but will be conducted in accordance to Arizona Supreme Court Rule 122. Requests for electronic or photographic coverage of public judicial proceedings conducted at the Pima County Jail will be referred to procedures outlined in Arizona Superior Court Administrative Order No. 2010-12. See Appendix C.

Appendices

- A – Rules of the Supreme Court of Arizona, Rule 122. Electronic and Photographic Coverage of Public Judicial Proceedings
- B – Request for Electronic or Photographic Coverage of Public Judicial proceedings
- C – Pima County Superior Court Administrative Order No. 2010-12. Application of Supreme Court Rule 122 to Initial Appearance Proceedings



Tucson City Court Administrative Directive

SUBJECT	NUMBER 260-18	PAGE 3 of 3
ELECTRONIC AND PHOTOGRAPHIC COVERAGE OF PUBLIC JUDICIAL PROCEEDINGS	PAGE ISSUE DATE January 1, 2011 REVISED DATE September 24, 2013	

References

Rules of the Supreme Court of Arizona, Rule 122. Electronic and Photographic Coverage of Public Judicial Proceedings

REVIEW RESPONSIBILITY: The Court Administrator or designee will review this Court Administrative Directive for revision or deletion every two years or as needed.



PRESIDING MAGISTRATE

9/24/13

DATE



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17A A.R.S. Sup.Ct.Rules, Rule 122

Rule 122. Electronic and Photographic Coverage of Public Judicial Proceedings

17A A.R.S. Sup.Ct.Rules, Rule 122

Arizona Revised Statutes Annotated [Currentness](#)

Rules of the Supreme Court of Arizona

XII. Miscellaneous Provisions

➔ **Rule 122. Electronic and Photographic Coverage of Public Judicial 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.

(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 consideration to the following factors:

- (i) The impact of coverage upon the right of any party to a fair trial;
- (ii) The impact of coverage upon the right of privacy of any party or witness;
- (iii) The impact of coverage upon the safety and well-being of any party, witness 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;
- (vi) The timeliness of the request pursuant to subsection (f) of this Rule; and
- (vii) Any other factor affecting the fair administration of justice.

(c) The judge 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 that outweighs the benefit to the public of camera coverage.

(d) Electronic and still photographic coverage of the appearance or testimony of a particular witness may be prohibited if the judge determines that such coverage would have a greater adverse impact upon the witness or his or her testimony than non-electronic and non-photographic coverage would have.

(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. The exercise of the judge's discretion in limiting or precluding electronic or still photographic coverage shall be reviewable only by special action.

(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.

(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.

(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.

(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.

(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.

(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.

(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.

(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.

(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.

(o) The judge of a particular proceeding shall, in a manner which preserves the dignity of the proceeding, designate the placement of equipment and personnel for electronic and still photographic coverage of that proceeding, and all equipment and personnel shall be restricted to the 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 photographers or camera operators move about the courtroom.

(p) All persons engaged in the coverage permitted hereunder shall avoid conduct or dress which may detract from the dignity of the proceedings.

(q) If possible, media equipment shall be connected to existing courtroom sound systems. No flash bulbs, 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 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 to the presiding judge of the Superior Court, who may direct whatever modifications or improvements deemed necessary. 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 coverage permitted hereunder shall meet the "state of the art." A camera or microphone shall be deemed to meet the "state of the art" when equal in unobtrusiveness, technical quality and sensitivity to equipment in general usage by the major broadcast stations in the community in which the courtroom is located.

(t) Any questions concerning whether particular equipment complies with these guidelines shall be resolved by the presiding judge of the Superior Court or designee.

(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) In the case of coverage of proceedings in the Arizona Supreme Court and Courts of Appeal, references herein to the "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.

CREDIT(S)

Added June 15, 1993, effective Sept. 1, 1993. Amended nunc pro tunc July 27, 1993; nunc pro tunc August 30, 1993. Amended Oct. 2, 1998, effective Dec. 1, 1998; Sept. 16, 2008, effective Jan. 1, 2009.

<Formerly Part XI. Redesignated as Part XII January 15, 2003, effective July 1, 2003.>

17A A. R. S. Sup. Ct. Rules, Rule 122, AZ ST S CT Rule 122

Current with amendments received through 2/1/12

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THOMSON REUTERS®

IN THE TUCSON CITY COURT
PIMA COUNTY, STATE OF ARIZONA
103 East Alameda Street, Tucson, Arizona 85701

vs.

CASE # _____

REQUEST FOR MEDIA COVERAGE
OF PUBLIC JUDICIAL PROCEEDINGS

Pursuant to Arizona Supreme Court Rule 122, Electronic and Photographic Coverage of Public
Judicial Proceedings, the _____ would like to request permission
to have _____ with a television camera/video camera/still camera
present in your courtroom for the proceeding involving defendant _____
who is set for initial appearance/arraignment/pre-trial/trial on _____.

DATE REQUESTED: _____

NAME: _____

AGENCY: _____

TELEPHONE #: _____

FAX #: _____

Tucson City Court Admin FAX: (520)791-5692

FOR INTERNAL USE ONLY:

1. Judge: _____ Courtroom # _____ Approved _____ Denied _____
2. Judicial returned completed form to Court Administration: Date Returned: _____
3. Court Administration notified requestor: Date Notified: _____

KEISER

ARIZONA SUPERIOR COURT
IN AND FOR THE COUNTY OF PIMA

FILED
10 JUL 21 PM 2:22
PATRICIA A. NOLAND
CLERK, SUPERIOR COURT
BY [Signature] DEPUTY

IN THE MATTER OF:)
)
) ADMINISTRATIVE ORDER
) NO. 2010-12
)
 APPLICATION OF SUPREME COURT)
)
) RULE 122 TO INITIAL APPEARANCE)
)
) PROCEEDINGS)
)
)

Initial appearances in felony and misdemeanor proceedings conducted in Superior Court and Consolidated Justice Court facilities, and in the Pima County Adult Detention Center, often involve multiple defendants charged with a variety of offenses. Compliance with the Arizona Rules of Criminal Procedure requires that these proceedings occur very shortly after the arrest or charging of defendants, which means that media outlets are unable to request permission for video coverage within the time specified by Supreme Court Rule 122. The Pima County facilities where these proceedings now take place are able to accommodate most such requests without advance notice. It best serves the interest of public access to such proceedings to provide uniform application of Supreme Court Rule 122 for initial appearances which is the least burdensome to media coverage possible.

IT IS THEREFORE ORDERED THAT:

1. A request for electronic and still photographic coverage of initial appearances held in the Pima County Superior Court at 110 W. Congress Street, Tucson, Arizona, the Pima County Consolidated Justice Court at 115 N. Church Avenue, Tucson, Arizona, or the Pima County Adult Detention Center shall be deemed timely made by following the procedure below.

a. Media outlets seeking coverage shall advise the court of their presence and request coverage either orally or in writing. This may occur at any time but shall not interrupt the orderly progress of the proceedings. Media outlets are encouraged to make coverage requests as early as practicable. This will assist the court in scheduling hearings so as to permit, where possible, the participation of counsel for any objecting party and the media outlet.

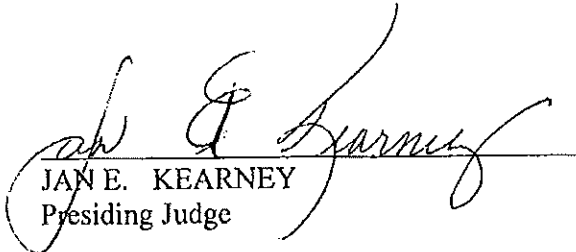
b. The judge presiding over the initial appearances shall notify parties and witnesses present of the request for coverage.

c. The judge may immediately hold such hearing as may be required on any objection made to coverage of the initial appearances.

2. Where the dignity and order of the proceedings may so require, the judge may restrict the number and placement of cameras in accordance with Supreme Court Rule 122.

3. This order does not restrict the ability of the judge to invoke any provisions of Supreme Court Rule 122 as may be required in a specific case.

DATED this 21 day of July, 2010.


JANE E. KEARNEY
Presiding Judge

cc: Court Administration