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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Friendly House, et al.,

Plaintiffs,

vs.

Michael B. Whiting, et al.

Defendants.

No. CV10-1061-PHX-SRB

**ORDER**

The First Amendment Coalition of Arizona has filed a Motion to Participate For Limited Purpose of Requesting Camera Coverage of July 22, 2010 Hearing. In that motion the First Amendment Coalition requests permission to permit camera coverage and rebroadcast of the preliminary injunction and motion to dismiss hearings on July 22, 2010. In support of its request the First Amendment Coalition cites to a news release dated December 17, 2009, wherein the Ninth Circuit Judicial Council approved the experimental use of cameras in district courts and this Court’s Local Rule, LRCiv. 43.1(a)(2)(B), creating an exception to the general prohibition of photographing, recording and broadcasting any judicial proceedings in the district court for “the broadcasting, televising, recording or photographing of investitive, ceremonial, naturalization, or historically significant proceedings.”

While the Ninth Circuit Judicial Council has approved an experiment for the use of

1 cameras in district courts, the District of Arizona has not yet taken any steps to participate  
2 in that experiment. Moreover, the pilot program contemplates that the cases to be selected  
3 for participation will chosen by the Chief Judge of the district in consultation with Chief  
4 Circuit Judge. This Judicial Council approval of a pilot project for the use of cameras in  
5 district courts does not give this Court authority to grant the First Amendment Coalition's  
6 request.

7 LRCiv. 43.1(a)(1) contains a strong prohibition of the audio/video recording of court  
8 proceedings. It states:

9 *Prohibited Activities.* All forms, means, and manner of capturing, recording,  
10 broadcasting, transmitting, and/or storing of anything by use of electronic,  
11 photographic, audio and/or visual means or devices are prohibited in all  
12 courtrooms and environs thereto during the course of, or in connection with,  
any judicial proceedings whether the Court is actually in session or not.

13 The exception to this prohibition is relied on by the First Amendment Coalition. It argues  
14 that the hearing on July 22 is historically significant and therefore camera coverage for  
15 rebroadcast should be permitted.

16 The Judicial Conference of the United States is the policy making body for the federal  
17 judiciary. It strongly opposes the use of cameras in federal trial courts. It has gone on record  
18 with the United States' Senate to oppose legislation that has been introduced over the years  
19 allowing the use of cameras in federal trial courts.<sup>1</sup> While this Court's Local Rule does not  
20 define a "historically significant proceeding," this exception to the prohibition on cameras  
21 viewed through the lens of the Judicial Conference's opposition to cameras in federal trial  
22 court proceeding convinces this Court that no exception should be permitted for the July 22,  
23 2010 hearing. Other than the inability to record the arguments by audio or video the press is  
24 welcome to attend and report on the hearing. The hearing will be recorded by stenographic

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26 <sup>1</sup> Letters to the Chairman and Ranking Member of the Senate Committee on the  
27 Judiciary from James C. Duff, Secretary of the Judicial Conference of the United States,  
28 regarding this issue and dated November 5, 2007, July 23, 2009, and September 23, 2009,  
are attached to this Order as Attachments 1-3.

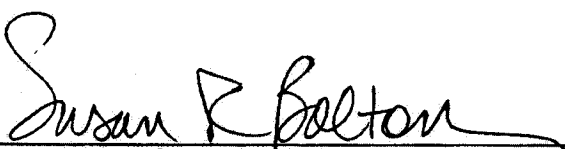
1 means and a transcript can be ordered by any interested person.

2 **IT IS ORDERED** denying First Amendment Coalition of Arizona's Motion to  
3 Participate For Limited Purpose of Requesting Camera Coverage of July 22, 2010 Hearing  
4 (Doc. 308).

5 IT IS FURTHER ORDERED that no audio/video recording of the arguments on July  
6 22, 2010 will be permitted.

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DATED this 20<sup>th</sup> day of July, 2010.

  
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Susan R. Bolton  
United States District Judge