RULE 8.10
CLOSURE OF PROCEEDINGS AND SEALING OF RECORDS

(a) Proceedings and Records To Be Open. Court proceedings shall be open to the public, and court records denominated public records under ARLJ 9 shall be available for public inspection, unless the court orders closure or sealing, or other restrictions, pursuant to this rule.

(b) Grounds for Closure or Sealing Before Charges Filed. Before charges are filed, the court may order proceedings closed or records sealed only upon a showing that

(1) There is a likelihood of jeopardy to an accused's right to a fair trial; or

(2) There exists a substantial threat to effective law enforcement; or

(3) There exists a substantial threat to the privacy or safety of an individual; or

(4) For other good cause shown; and that there are no less restrictive means available to protect the interest threatened.

(c) Grounds for Closure or Sealing After Charges Filed. After charges are filed, the court may order proceedings closed or records sealed only upon a showing that

(1) There is a substantial probability of jeopardy to an accused's right to a fair trial; or

(2) There exists a serious and imminent threat to effective law enforcement; or

(3) There exists a serious and imminent threat to the privacy or safety of an individual; or

(4) For other good cause shown; and that there are no less restrictive means available to protect the interest threatened.

(d) Determination. Upon motion and supporting affidavit, the court shall determine whether a proceeding should be closed or records sealed.

(1) The proponent shall state the grounds for the motion with reasonable specificity, consistent with the protection of the interest threatened. Any person present when the motion is made shall be given an opportunity to object to the proposed restriction.

(2) If the motion is made upon grounds set forth in (b)(1) or (c)(1), any person objecting to closure or sealing shall have the burden of suggesting effective alternatives. Otherwise, the proponent shall have the burden of showing that restrictions are necessary.

(e) Order of Closure or Sealing. Upon determining that a proceeding should be closed or records sealed, the court shall promptly thereafter prepare

(1) A transcript of any in camera proceedings; and

(2) An order of closure or sealing; and

(3) Written findings of fact and conclusions of law setting forth with specificity the courts consideration of the issues, including alternative methods suggested. If the order involves the sealing of records, it shall apply for a specific time period and require the proponent to come before the court at a time specified in the order to justify continued sealing.

(f) Other Order. If the court determines that there exists an alternative less restrictive than closure or sealing which will protect the threatened interest, it may issue an appropriate order and shall thereafter prepare the documents specified in section (e).

(g) Exclusion of Witness. This rule shall not apply to circumstances governed by ER 615.

(h) Discovery. This rule shall not apply to discovery procedures governed by rule 4.7.

(i) Disclosure Procedure. Reserved. See ARLJ 9.