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IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the matter of:	)	
	)	
PETITION TO AMEND ARIZONA	)	Supreme Court No. 24-_____
CODE OF JUDICIAL CONDUCT, RULE	)	
2.5	)	
	)	
_____	)	

Pursuant to Rule 28 of the Rules of the Supreme Court of Arizona, David K. Byers files this petition on behalf of the Steering Committee on Artificial Intelligence and the Courts (“Committee”), to respectfully petition this Court to amend Rule 2.5, Comment 1, of the Arizona Code of Judicial Conduct (“Code”) relating to judicial competence, to explicitly include the use of, and the benefits and risks associated with, technology relevant to service as a judicial officer.

I. Background

Recognizing the transformative impact that Artificial Intelligence (AI) technologies will likely have on the justice system, this Court established the Committee on January 24, 2024 by Administrative Order [2024-33](#). Among other

tasks, the Committee is charged with making recommendations, including rule changes, related to the ethical use of AI technologies within the judicial branch. After examining the ethical implications of AI use by lawyers, judges, and court staff, the Committee recommends the modest change to the Code relating to judicial competence discussed below.

II. Discussion

Judicial officers now routinely use technology in the performance of their judicial duties. As a component of judicial competence, the Code does not explicitly require knowledge of the risks and benefits associated with the use of technology relevant to the performance of judicial duties. In contrast, Arizona’s corresponding ethical rules for lawyers (Ethical Rule 1.1, Comment 6) explicitly requires lawyers to “keep abreast of changes in the law and its practice, *including the benefits and risks associated with relevant technology . . .*” (emphasis added). Some other states with a similar requirement for lawyers have taken the position that this requirement applies equally to judicial officers. For example, the State Bar of Michigan recently issued an ethics opinion interpreting the Michigan Code of Judicial Conduct and concluded that “[j]udicial officers, like lawyers, have an ethical obligation to maintain competence with and further educate themselves on advancing technology, including but not limited to artificial intelligence (AI).” [Mich. Jud. Ethics Op. JI-155 \(2023\)](#). Moreover, the Indiana Judiciary has explicitly included such a requirement

in its Code of Judicial Conduct. See [Ind. Code of Judicial Conduct](#) R. 2.5 cmt. 1 (2018).¹

III. Proposed Rule Amendment

It is the Committee's position that Arizona's requirement for lawyers to remain informed of the benefits and risks associated with technology relevant to the practice of law should equally apply to judicial officers, and such a requirement should be made explicit in the Code's official commentary. The Committee therefore proposes an amendment to the Code's official commentary to Rule 2.5 regarding competence, to explicitly include "the use of, and the benefits and risks associated with, technology relevant to service as a judicial officer," as set forth in the Appendix.

IV. Request

The Committee respectfully requests that this Court open this petition for public comment, consider the petition and comments in the regular course provided by Supreme Court Rule 28, and adopt the proposed amendments as set forth in the Appendix.

Respectfully submitted this 17th day of October, 2024.

¹ Indiana's Code now reads as follows: "Competence in the performance of judicial duties requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary to perform a judge's responsibilities of judicial office, *including the benefits and risks associated with the technology relevant to service as a judicial officer.*" Id. (emphasis added).

/s/ David K. Byers

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APPENDIX

(deletions shown with ~~strike through~~, new language is underlined)

Rules of the Supreme Court of Arizona

Rule 81. Arizona Code of Judicial Conduct

**Canon 2. A Judge Shall Perform the Duties of Judicial Office Impartially,
Competently, and Diligently**

Rule 2.5. Competence, Diligence, and Cooperation

(A) through (C) [No change]

Comment

1. Competence in the performance of judicial duties requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary to perform a judge's responsibilities of judicial office, including the use of, and the benefits and risks associated with, technology relevant to service as a judicial officer.

2. through 5. [No change]