

Kathryn Townsend, Commissioner  
Arizona Commission on Judicial Performance Review  
631 N Manzanita Pl  
Saint David, AZ 85630  
520-861-4533  
KathrynDTownsend@Protonmail.com

In the Matter of: )  
 ) SUPREME COURT NO. R-\_\_ - \_\_  
PETITION TO AMEND RULE 4 )  
AND RULE 8 OF RULES ) **Petition to Amend Rule 4 and**  
OF PROCEDURE FOR ) **Rule 8 of Rules of Procedure for**  
JUDICIAL PERFORMANCE ) **Judicial Performance Review in**  
REVIEW IN THE STATE OF ) **the State of Arizona**  
ARIZONA )

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Pursuant to Rule 28, Rules of the Supreme Court, Petitioner respectfully petitions this Court to adopt amendments to the Rules of Procedure for Judicial Performance Review in the State of Arizona.

### **I. Background and Purpose of the Proposed Rule Amendments**

As part of the Court's efforts to equip the Commission on Judicial Performance Review with enhanced tools for evaluating judges, several changes were made to the JPR Rules in 2023. However, in practice, certain conflicts within the new rules have emerged that hinder the Commission's ability to fully utilize these tools. Additionally, during a recent meeting, an oversight in the rules regarding public comment became apparent and merits correction.

Currently, the Commission may refer judges to conference teams instead of inviting them to an executive session. However, the rules do not permit the Commission to review conference team reports. The Commission recently considered this issue and voted to uphold the current restriction, determining that judges' privacy concerns outweigh the Commission's interest in accessing these reports. That said, some judges have expressed a preference for the Commission to review their conference team report rather than being called to an executive session. To address this, the Court may wish to consider allowing judges to opt into having their conference team report reviewed, as this could conserve the Commission's time and resources while respecting judges' preferences and privacy.

Additionally, to ensure that public input is meaningfully considered in the Commission's decision-making process, public comments must occur before substantive matters are voted on. Currently, public comment is not always placed at the beginning of the agenda and may appear at the end of meetings. To comply with the directive to consider public feedback, public comment should consistently take place early in the meeting agenda.

## **II. Summary of the Proposed Rule Amendment(s)**

The content of the proposed rule amendments can be found in Appendices A and B. Section II briefly outlines the proposed rules changes.

## **Appendix A – Allow Commission to Review Conference Team Reports.**

### *Rule 4: Meetings and Actions*

- At meetings where a Commission member requests that a judge be invited to an executive session, time must be allotted prior to any request to extend an invitation for the Commission to review the judge's two most recent conference team reports and self-improvement plans, which shall be redacted to remove any information that might identify the judge.
- All review and discussion of Conference Team reports must occur in executive session.

### *Rule 8: Conference Teams*

- At the judge's option, the Conference Team report will be made available to the Commission for review prior to an invitation being issued under Rule 4(b)(2).
- Prior to the invitational meeting the report must be redacted to remove any identifying information. The report need not be redacted at the invitational meeting.

## **Appendix B – Public Comment Must Take Place at the Beginning of Meetings.**

### *Rule 4: Meetings and Actions*

- When public comment is allowed, the public must be given the opportunity to address the Commission at the beginning of the meeting, prior to any business taking place other than calling the meeting to order and approval of the minutes.

### **III. Similar Petitions Filed Within The Last Five Years.**

Over the past five years, two petitions have addressed changes to the JPR Rules. The most recent, Petition R-23-0036, replaced the previous JPR Rules and introduced a new set of rules effective October 1, 2023, which are now under consideration in this petition. Earlier, Petition R-19-0039 proposed amendments developed by a Task Force to formalize the existing policies and procedures of the Commission on Judicial Performance Review. Those amendments were adopted on an emergency basis on September 1, 2019, and later permanently approved by the Court on December 12, 2019.

RESPECTFULLY SUBMITTED this 9<sup>th</sup> day of January, 2025

By /s/ Kathryn Townsend

Kathryn Townsend, Member  
Commission on Judicial Performance Review  
631 N Manzanita Pl  
Saint David, AZ 85630  
520-861-4533  
KathrynDTownsend@Protonmail.com