

Hon. Ann A. Scott Timmer, Chief Justice
Arizona Supreme Court
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IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the matter of:	)	
	)	
PETITION TO AMEND THE UNIFORM	)	Supreme Court No. 25-_____
RULES OF PROCEDURE FOR	)	(expedited consideration
COMMISSIONS ON APPELLATE AND	)	and emergency adoption
TRIAL COURT APPOINTMENTS	)	requested)
	)	
_____	)	

Pursuant to Rule 28 of the Rules of the Supreme Court of Arizona, Petitioner Hon. Ann A. Scott Timmer, in her role as Chair of the judicial nominating commissions, respectfully petitions this Court to amend the Uniform Rules of Procedure for Commissions on Appellate and Trial Court Appointments as shown in the Appendix.

For the reasons stated in this Petition, Petitioner also seeks expedited consideration such that this Petition be considered at this Court's August 2025 Rules Agenda, and emergency adoption of the rule amendments as set forth in the Appendix, at that Agenda.

I. Grounds for Petition Approval

The Uniform Rules of Procedure for Commissions on Appellate and Trial Court Appointments have not been significantly updated since 2016. Petitioner proposes the amendments that follow to update, clarify, and codify the processes and procedures for the judicial nomination process. The proposed amendments and rationale for the same are more particularly described below.

A. Proposed Substantive Amendments

Rule 4(b): The practice of all nominating commissions has been that members must attend all interviews before voting on any nomination. The proposed amendment would codify this practice by adding text requiring that Commissioners attend all candidates' interviews before they can vote on any one candidate's nomination.

Rule 5(d) (new): At times, an insufficient number of qualified or politically diverse applications have been received, and it has been necessary to extend the application period. The rules do not currently address the circumstances for which extending the application period is appropriate. Petitioner therefore proposes adding a new subsection (d) to provide that before the screening meeting occurs, the Chair of the Commission may extend the application period if an insufficient number of constitutionally qualified applications have been received by the application deadline.

The proposed amendment also provides that the Chair of the Commission may extend the application period after the screening meeting but only when an insufficient number of politically diverse applications have been received. The Chair must notify qualified applicants of any extension in the application period.

Rule 6(a)-(c): In years prior, a paper version of the application was necessary because it was provided to the Governor’s office as part of the nomination packet. However, as technology advanced, this practice became obsolete and currently, only the electronic version is provided to the Governor’s office. Accordingly, requiring that a hard copy of the application be submitted to the AOC serves no purpose. To that end, the proposed amendment to Rule 6(a) removes the requirement for the application to be submitted to the AOC in hard copy *and* electronically, and instead requires only that an electronic version be submitted. The proposed changes to Rules 6(b) and (c) reflect conforming changes that would be necessary if the changes to Rule 6(a) are adopted.

Rule 6(d)(1): There is currently a proposal before this Court to modify the application form. One such modification includes changing the “sections” to “parts.” If this Court approves modifying the application form to change the “sections” to “parts,” a corresponding change to Rule 6(d)(1) would also be necessary.

Rule 7(a): This rule currently provides that comments about applicants should be made, if feasible, at least three working days before the screening meeting.

Petitioner proposes striking “if feasible” from this provision, as the use of the phrase “should be made” provides sufficient flexibility if a person wishes to provide a comment but cannot do so within three days of the screening meeting.

Rule 7(c)(2): The proposed amendment would revise the rule to provide that applicants may only invite a maximum of two speakers to offer public comment at the screening meeting.

Rule 7(c)(3): This rule provides that negative opinions that are not supported with a factual basis or second source shall not be disclosed at the Commission meeting. Currently, the rule provides that “if disclosed, the supporting information must also be disclosed.” The proposed amendment would track an analogous provision in Rule 8(d)(3) to clarify that “If supported and disclosed, the supporting information must also be disclosed.”

Rule 7(c)(5): When vacancies cannot be combined, the Commission may interview a candidate twice, once for each vacancy, even if the first interview was recently conducted. Petitioner proposes adding a sentence to this rule to codify the practice and provide that candidates must be interviewed each time they are selected, regardless of when they were last interviewed.

Petitioner also proposes a non-substantive amendment to clarify the sentence “Such a nomination requires the concurrence of one additional Commissioner” by

revising it to read “A nomination for interview requires the concurrence of one additional Commissioner.”

Rule 8(a): Petitioner proposes removing “if feasible” for the same reasons pertaining to the proposed removal from Rule 7(a) stated above.

Rule 8(d)(2): Petitioner proposes amending this rule to correctly provide a reference to the “interview” meeting rather than the “screening” meeting. Petitioner also proposes replacing “are encouraged” to “may,” for the same reasons pertaining to the proposed amendment to Rule 7(c)(2) as stated above, relating to an applicant inviting speakers to comment on the applicant’s behalf.

Rule 9: Petitioner proposes amending this rule providing that the Commission file concerning each nominee be forwarded to the Governor with the names of the nominees to remove verbiage that the file be provided “unless the respective Commission directs otherwise.”

B. Technical Amendments

Petitioner additionally proposes the following technical amendments:

Rule 1: insert an Oxford comma in one place for consistency and to conform to current rule style conventions, and remove two extraneous commas.

Rule 3(c): insert an Oxford comma in two places for consistency and to conform to current rule style conventions.

Rule 4(a): remove an extraneous “s” from “Commissioner” in the last sentence.

Rule 4(d): insert an Oxford comma in one place for consistency and to conform to current rule style conventions.

Rule 4(e)(2): insert an Oxford comma in one place for consistency and to conform to current rule style conventions.

Rule 7: replace the colon after the subheaders with a period to conform to current rule style conventions.

Rule 7(a): insert an Oxford comma in one place for consistency and to conform to current rule style conventions.

Rule 7(b): capitalize “commission” and “commissioner” for consistency, and insert an Oxford comma in one place for consistency and to conform to current rule style conventions.

Rule 7(c)(1): capitalize “commissioners” for consistency.

Rule 7(c)(3): remove an extraneous comma.

Rule (8): replace the colon after the subheaders with a period to conform to current rule style conventions.

Rule 8(a): insert an Oxford comma in two places for consistency and to conform to current rule style conventions.

Rule 8(b): insert an Oxford comma in six places for consistency and to conform to current rule style conventions.

Rule 8(c): insert an Oxford comma in one place for consistency and to conform to current rule style conventions.

Rule 8(d)(3) and (4): capitalize “comments” in header for consistency and to conform to current rule style conventions.

II. Request for Expedited Consideration and Emergency Adoption

The proposed amendments are important in providing clarification to the Commissions for the nomination process. If this Petition is considered in the normal rule cycle, the amendments would not be considered until August 2026, or 14 months from now. Supreme Court Rule 28(g)(2) provides that any amendments adopted at the August 2026 Rules Agenda would not become effective until January 1, 2027, or over 1 ½ years from now, unless the Court orders otherwise.

Therefore, as permitted by Supreme Court Rule 28(h), Petitioner respectfully requests that this Court expedite its consideration of this Petition for inclusion on the August 2025 Rules Agenda. If this Court is inclined to consider this Petition at its August 2025 Rules Agenda, Petitioner requests that this Court consider adoption of the proposed amendments as set forth in the Appendix on an emergency basis at that Agenda, open the petition for comment, and consider adopting the proposed amendments on a permanent basis at this Court’s December 2025 Rules Agenda.

Respectfully submitted this 9th day of June, 2025.

By /s/ Ann A. Scott Timmer

Hon. Ann A. Scott Timmer, Chief Justice

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APPENDIX

Uniform Rule of Procedure for Commissions on Appellate and Trial Court Appointments

(additions are shown in underline, deletions are shown in ~~striketrough~~)

Rule 1. Purpose

Article VI, Section 36 of the Arizona Constitution provides that when making recommendations for judicial office, the Commission on Appellate Court Appointments “shall consider the diversity of the state's population, however, the primary consideration shall be merit.” Similarly, Article VI, Section 41 of the Arizona Constitution provides that the Commissions on Trial Court Appointments “shall consider the diversity of the county's population and the geographical distribution of the residences of the judges throughout the county, however, the primary consideration shall be merit.” The goal, therefore, of the judicial nomination process is to select judges who have outstanding professional competence and reputation and who are also sensitive to the needs of and held in high esteem by the communities they serve and who reflect, to the extent possible, the ethnic, racial, and gender diversity of those communities. Competence and diversity among our judges will enhance fairness and public confidence in judicial proceedings.

Rule 2. [No change]

Rule 3. Commissioner Impartiality

a. and b. [No change]

c. A Commissioner is disqualified from voting or otherwise participating in the nominating process so long as a member of the Commissioner's family (spouse, child, parent, sibling, in-law, aunt, uncle, nephew, niece, grandparent, grandchild, first cousin, or step-relative in any of these relationships) is an applicant under consideration for nomination. A Commissioner is disqualified from voting on an applicant who currently works in the same company, firm, or organization as the Commissioner. A Commissioner shall disqualify himself or herself in any proceeding in which the Commissioner's impartiality about an applicant might reasonably be questioned. If a Commissioner's impartiality is called into question by any Commissioner, the Chair will call for a vote on the matter. Upon a majority vote, the Commissioner will be disqualified from voting on the applicant.

d. and e. [No change]

Rule 4. Commission Meetings

a. Meetings of a Commission may be called by the Chair or a majority of Commissioners by written notice to the entire Commission specifying the time and place of meeting. Such notice shall be posted on the Commission's website at least seven (7) calendar days before the meeting date, except that an emergency meeting may be held on shorter notice if the Chair or a majority of Commissioners conclude it is essential to hold an emergency meeting. The right to notice of a meeting may be waived by any Commissioner either before or after the meeting takes place. Attendance at a meeting by any Commissioner shall constitute a waiver of such notice unless the Commissioners, at or promptly after the beginning of such meeting, objects to the holding of the meeting on the ground of lack of, or insufficiency of, notice.

b. All Commissioners are strongly encouraged to attend every meeting in person. The Constitutional deadline for submitting nominations to the Governor requires that meetings be held as scheduled. In extenuating circumstances, the Chair may permit a Commissioner to attend and vote in an administrative meeting or in a screening meeting via telephone, video conferencing, or similar means. With the exception described in this subsection, a Commissioner shall not participate in applicant interviews or vote on nominations through electronic means. If the Commission would otherwise be unable to obtain a quorum for scheduled interviews, thereby risking the Commission's ability to meet the 60-day Constitutional deadline for submitting nominations to the Governor, the Chair may allow a Commissioner to participate in applicant interviews and vote on nominations through electronic means. A member who attends electronically accepts the risk that technical problems could disrupt participation. Commissioners shall attend all candidates' interviews before they are able to vote on any one candidate's nomination.

c. [No change]

d. Notice of all Commission meetings other than emergency meetings shall be posted to the Commission's website at least seven (7) calendar days before the meeting. The notice shall state the date, time, and specific location of the meeting. Each Commission shall provide notice as reasonable and practicable.

e. The Chief Justice shall call a meeting of all Commissioners at least once every two years for the following purposes:

1. [No change]

2. Reviewing Commission actions during the preceding years. This review shall include a presentation of statistical information about applications, nominations, and appointments relative to the Constitutional goal of diversity and such other matters as the Commission deems appropriate. Such statistics shall be compiled from information obtained in the applications.

3. [No change]

f. [No change]

Rule 5. Recruitment of Applicants

a. through c. [No change]

d. When an insufficient number of constitutionally qualified applications have been received by the application deadline, the Chair of the Commission may extend the application period before the screening meeting. The Chair of the Commission may also extend the application period after the screening meeting but only when insufficient politically diverse applications have been received. The Chair shall notify qualified applicants of any application period extension.

Rule 6. Application

a. Every applicant shall complete and ~~file with the Administrative Office of the Supreme Court~~ submit a signed original “Application for Nomination to Judicial Office” ~~and a .pdf version of the application as a PDF file to the Administrative Office of the Courts,~~ in the manner instructed in the public announcement for each judicial vacancy. The application shall be on a form approved by the Supreme Court. ~~The signed original paper application governs should discrepancies exist with the .pdf version.~~

b. ~~The original application and the .pdf version filed submitted by an applicant not appointed by the Governor shall be retained for one year after the application deadline date stated on the first page of the application. All documents received with respect to the person's application shall also be retained for one year. At an applicant's request, the original application, the .pdf version, and any supplemental material submitted by the applicant will be returned to the applicant during the one year period. Otherwise all documents and the .pdf shall be retained and provided to the Commission that originally considered the application if a new vacancy arises during the one year period. The applicant can withdraw his or her application for any or all vacancies occurring during that period by notifying the Commission in writing of the withdrawal. At the expiration of the one year period, any applications, .pdf files and supplemental materials retained by the Commission shall be destroyed and deleted.~~

c. Applications, ~~.pdf files,~~ and documents on file for each judicial vacancy shall be provided to the members of the appropriate Commission at least seven (7) calendar days before the first Commission meeting concerning each vacancy.

d. [No change in text]

1. All information in response to questions contained in ~~Section Part II~~ of the application form;
2. through 4. [No change]

Rule 7. Screening of Applications and Selection of Applicants for Interviews

a. Public Notice and Comment: Names of applicants and the date, place, and time of the Commission meeting to screen applications shall be widely disseminated to the public. Comments about applicants should be made, ~~if feasible,~~ at least three (3) working days before the screening meeting as follows: (1) in writing to the Judicial Nominating Commission for distribution by staff to the Commission, or (2) verbally or by written or electronic means to the Commissioners.

b. Investigation of Applicants: As soon as Commissioners receive applications and documents on file, they may begin investigating the background and qualifications of applicants. Using the application as a starting point, Commissioners may contact as many of the individuals and institutions knowledgeable about the applicant as deemed beneficial. Commissioners shall encourage sources to allow their names to be disclosed to the eCommission, the applicant and the public but may accept comments about an applicant from a source that requests confidentiality as to the other Commissioners, the applicant, and/or the public, if the Commissioner believes it is in the public's best interest to accept such comments.

When a source provides a negative opinion about an applicant's character, fitness, or competency, the eCommissioner shall ask the source to provide a detailed factual basis for that opinion. The Commissioner shall also ask for the names and contact information of others who might have knowledge about the opinion. The Commissioner shall contact any individuals identified to ask about the applicant's character, fitness, or competency.

c. Screening Meeting

1. *General:* The Commission shall meet to decide which applicants to interview. Each Commissioner shall disclose comments and other information relied upon to evaluate each applicant. If confidentiality has been promised to a source, eCommissioners should consider whether less weight should be given to that source's information. The Commission may hold an executive session upon a majority vote of Commissioners in attendance to promote open and frank discussion of applicant qualifications. The substance of deliberations in executive session shall not be disclosed.

2. *Public Comment:* Members of the public are invited to briefly comment orally at the screening meeting. The Chair shall allocate equal time at the screening meeting for relevant comment on each applicant. The Chair may terminate comments which exceed the time allocated or which are irrelevant to the qualifications of applicants. The Chair may also limit duplicative comments regarding an applicant. Applicants ~~are encouraged to~~ may invite no more than two (2) speakers to comment on their behalf. Applicants are asked to limit solicited reference letters to a maximum of twelve (12) from a diverse group of people who are well-acquainted with the applicant.

3. *Opinion Comments*:- Negative opinions that are not supported with a factual basis, or a second source shall not be disclosed at the Commission meeting. If supported and disclosed, the supporting information must also be disclosed.

4. *Anonymous Comments*:- Information from an anonymous source shall not be considered by any Commissioner or shared with any other Commissioner or the Commission at any point in the screening process.

5. *Selection of Applicants for Interviews*:- The Chair shall invite Commissioners to nominate applicants to be placed on a tentative list of those to be interviewed. ~~Such a~~ A nomination for interview requires the concurrence of one additional Commissioner. The name of each applicant who receives a vote of the majority of Commissioners voting shall be placed on a tentative list. Following this procedure with or without an additional executive session or sessions, the tentative list of interviewees may be added to or subtracted from by public vote until a final list of applicants to be interviewed is determined. The Commission may vary these procedures at its discretion. The Commission shall interview all selected applicants regardless of when an applicant was last interviewed.

Rule 8. Interviews of Applicants and Selection of Nominees

a. Public Notice and Comment:- Names of applicants selected for interview and the date, place, and time of the Commission meeting to interview applicants shall be widely disseminated to the public. The public, the judiciary, and bar associations shall be invited to provide comments regarding these applicants. Comments about applicants should be made, ~~if feasible~~, at least three (3) working days before the interview meeting as follows: (1) in writing to the Judicial Nominating Commission for distribution by staff to the Commission, or (2) verbally or by written or electronic means to the Commissioners.

b. Investigation of Applicants Selected for Interviews:- The Commission shall further evaluate selected applicants by contacting as many individuals, community groups, and other sources as deemed reasonable to obtain information about the applicants' life experiences, community activities, and backgrounds. Commissioners shall encourage sources to allow their names to be disclosed to the Commission, the applicant, and the public, but may accept comments about an applicant from a source that requests confidentiality as to the other Commissioners, the applicant, and/or the public if the Commissioner believes it is in the public's best interest accept such comments.

When a source provides a negative opinion about an applicant's character, fitness, or competency, the Commissioner shall ask the source to provide a detailed factual

basis for that opinion. The Commissioner shall also ask for the names and contact information of others who might have knowledge about the opinion. The Commissioner shall contact any individual identified to ask about the applicant's character, fitness, or competency.

c. Communication with Applicants: Nothing in this rule prohibits the Chair of the Commission or staff from contacting an applicant when the Chair determines that such contact is in the best interests of the Commission, the applicant, or the public.

d. Interview Meeting

1. *General:* Each Commission shall meet for the purpose of interviewing selected applicants in order to compile a list of nominees to be forwarded to the Governor. The Commission shall schedule sufficient time prior to the interview of each applicant to discuss and evaluate each applicant's qualifications and to determine whether any matter should be raised with the applicant during the interviews. Each Commissioner shall disclose comments and other information relied on to evaluate each applicant. If confidentiality has been promised to a source, Commissioners should consider whether less weight should be given to that source's information. The Commission may hold an executive session upon a majority vote of Commissioners in attendance to promote open and frank discussion of applicant qualifications. The substance of deliberations in executive session shall not be disclosed.

2. *Public Comment:* Members of the public ~~are invited to~~ may briefly comment orally at the ~~screening interview~~ meeting. The Chair shall allocate equal time at the ~~screening interview~~ meeting for relevant comment on each applicant. The Chair may terminate comments which exceed the time allocated or which are irrelevant to the qualifications of applicants. The Chair may also limit duplicative comments regarding an applicant. Applicants ~~are encouraged to~~ may invite no more than two (2) speakers to comment on their behalf.

3. *Opinion eComments:* Negative opinions that are not supported with a factual basis or a second source shall not be disclosed at the Commission meeting. If supported and disclosed, the supporting information must also be disclosed.

4. *Anonymous eComments:* Information from an anonymous source shall not be considered by any Commissioner or shared with any other Commissioner or the Commission at any point in the screening process.

5. *Conduct of Interviews:* Selected applicants shall be publicly interviewed by Commissioners. The Chair shall admonish the public in attendance not to disclose the interview questions or candidate answers until the conclusion of all interviews. A Commissioner may question an applicant about comments made about the applicant for which confidentiality has been requested so long

as the source of comment is not identified. Upon motion and a majority vote of the Commission, a portion of the interview may occur in executive session unless, after given a choice, the interviewee elects to remain in public session.

6. *Deliberations of the Commission*:- At the conclusion of the interviews, the Chair shall invite further discussion among the Commissioners about applicants. To the extent possible, no material and adverse information about an applicant that a Commissioner knows before the interview may be disclosed to the Commission after the interview occurs. The Commission may hold an executive session upon a majority vote to promote open and frank discussion regarding the qualifications of applicants interviewed. The substance of deliberations in executive session shall not be disclosed.

7. *Selection of Nominees for Submission to the Governor*:- All voting by each Commission on the number of nominees to be forwarded to the Governor and on the applicants nominated shall be in public session. The Chair shall invite Commissioners to nominate applicants interviewed to be placed on a tentative list of those to be nominated to the Governor. Such a nomination requires the concurrence of one additional Commissioner. The name of each applicant who receives a vote of the majority of Commissioners voting shall be placed on the tentative list. Following this procedure, with or without an executive session or sessions, the tentative list of nominees may be added to or subtracted from by public vote until a final list of nominees is determined. The above process may be repeated until the resulting list of nominees satisfies constitutional requirements and is approved for referral to the Governor by a public vote of the Commission. The Commission may vary these procedures at its discretion.

Rule 9. Transmittal to the Governor

The names of the nominees, listed in alphabetical order, shall be delivered to the Governor as directed by the Chair. The Chair shall promptly inform the public of the names of the nominees.

To facilitate the Governor's selection of the appointee, the Commission shall also forward to the Governor the Commission's file concerning each nominee ~~shall be provided to the Governor with the list containing that nominee's name unless the respective Commission directs otherwise.~~ Commission staff shall separately identify the information that is deemed confidential under these rules and ask that this information continue to be kept confidential.