

SUPREME COURT OF ARIZONA

In the Matter of	)	Arizona Supreme Court
	)	No. R-25-0040
UNIFORM RULES OF PROCEDURE FOR	)	
COMMISSIONS ON APPELLATE AND	)	FILED 8/28/2025
TRIAL COURT APPOINTMENTS	)	
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**ORDER ADOPTING ON AN EMERGENCY BASIS
AMENDMENTS TO THE UNIFORM RULES OF
PROCEDURE FOR COMMISSIONS ON APPELLATE
AND TRIAL COURT APPOINTMENTS**

On June 9, 2025, Chief Justice Timmer, as chair of the judicial nominating commissions, filed a rule petition on behalf of the commissions that would amend the Uniform Rules of Procedure for Commissions on Appellate and Trial Court Appointments. Having considered the petition and no comments having been received, upon consideration,

IT IS ORDERED that pursuant to Rule 28(h)(2) of the Rules of the Supreme Court of Arizona, the Uniform Rules of Procedure for Commissions on Appellate and Trial Court Appointments are amended on an emergency basis in accordance with the attachment to this order, effective immediately.

IT IS FURTHER ORDERED that, consistent with the Court's June 9, 2025 order, the Court will consider whether to adopt the

rule amendments on a permanent basis during its November 2025
Rules Agenda.

DATED this 26th day of August, 2025.

/s/
ANN A. SCOTT TIMMER
Chief Justice

TO:

Rule 28 Distribution
Hon Ann A. Scott Timmer

ATTACHMENT¹
UNIFORM RULES OF PROCEDURE FOR
COMMISSIONS ON APPELLATE AND
TRIAL COURT APPOINTMENTS

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. - 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. - e. [No change]

¹ Additions to the text of the rules and Appendix are shown by underscoring and deletions are shown by ~~strike-through~~.

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. A Commissioner must attend all candidates' interviews before he or she is eligible 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. - 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. Except as provided hereafter, information provided to the Commission by the applicant or by a third party shall be available to the public. The following information shall be confidential throughout the nomination process.

1. All information in response to questions contained in ~~Section Part II~~ of the application form;

2. - 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*: **[No change in text]**

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 an 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*: [No change in text]

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*: [No change in text]

4. *Anonymous eComments*: [No change in text]

5. *Conduct of Interviews*: [No change in text]

6. *Deliberations of the Commission*: [No change in text]

7. *Selection of Nominees for Submission to the Governor*: [No change in text]

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.