

to: <http://www.azcourts.gov/Rules-Forum>. This opens the "Welcome" page. Petitions are posted under the appropriate body of rules, for example, Rules of Procedure for Judicial Performance review in the State of Arizona, which can be found by scrolling down the page.

For instructions on how to post comments electronically, follow the steps listed above and click on "FAQ" at the top of the "Welcome" page and then find "How do I file a comment on a Rule 28 petition?"

Alternatively, commenters may submit a comment by filing an original and one paper copy of the comment and one electronic copy of the written comment and any supporting documents in Microsoft Word format on a CD or other compatible electronic medium with the Clerk of the Supreme Court, 1501 West Washington St., Room 402, Phoenix, Arizona 85007, in an envelope marked "Rule Comment."

Any person filing a comment must send a copy of the comment to the Petitioner electronically or by ordinary mail.

DATED this 28th day of August, 2025.

/s/

ANN A. SCOTT TIMMER
Chief Justice

TO:

Rule 28 Distribution
William F Auther

ATTACHMENT¹

**RULES OF PROCEDURE FOR
JUDICIAL PERFORMANCE REVIEW
IN THE STATE OF ARIZONA**

Rule 5. Judicial Performance Review Process

(a) [No change]

(b) Tools for Evaluating Performance.

(1)-(4) [No change]

(5) *Other Evaluation Tools.*

(A) To obtain additional, reliable information about whether a judge who is invited to the executive session under Rule 4(b)(2) meets the performance standards for retention, the Commission ~~may~~ must consider the following to the extent applicable:

(A~~i~~) courtroom observation, including review of video and audio recordings;

(B~~ii~~) the number of notices of change of judge;

(C~~iii~~) review of written opinions, decisions, or orders; ~~or and~~

(D~~iv~~) case management statistics.

(B) If consideration of any of these other evaluation tools may provide the Commission with information relevant to the reason or reasons the judge has been invited to attend the executive session, the Commission should, to the greatest extent possible, obtain this additional information, and, if it does, it must share it with the judge before the executive session at which the judge has been invited to attend. To the extent necessary to consider these evaluation tools, the Commission members may learn the identity of a judge after the judge has been invited to attend the executive session.

(c) [No change]

* * *

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

Rule 9. Commission Member Responsibilities

(a) [No change]

(b) Judicial Member.

(1) A judicial member of the Commission is not eligible to participate in any matter concerning the judge's own performance except for the judicial member's self-evaluation and conference team requirements under Rule 8.

(2) A judicial member of the Commission who receives an invitation under Rule 4(b)(2) is prohibited from participating as a Commission member in the judicial performance review process for the balance of the then-current cycle but may participate in other Commission business or as a conference team member.

(c) [No change]

* * *

Rule 10. Judge's Rights and Responsibilities

(a) Cooperation. A judge is expected to cooperate with the Commission and the judicial performance review and conference team processes under Rules 5 and 8, including and respond timely responding to communications from the Commission and Conference Team.

(b)-(c) [No change]

(d) Data Validity. To the extent possible, the Commission is expected to use generally accepted statistical methods and techniques. If ~~any data or information~~ the Commission receives about a judge under Rule 5(c) was obtained or compiled in a manner ~~inconsistent with generally accepted statistical methods and techniques or~~ the Commission deems ~~it~~ unduly prejudicial or otherwise unreliable, the Commission must prominently disclose ~~these facts and such concerns and~~ the reasons it deems the data or other information ~~is flawed~~ unduly prejudicial or otherwise unreliable in its report under Rule 5(c)(1) and in any dissemination under Rule 7(b). The Commission ~~may~~ must not publish statistical data about a judge that does not have an appropriate confidence level. The presentation and summaries of data about a judge must not be published in a manner that is misleading about a judge's performance.

(e)-(f) [No change]