



**IT IS FURTHER ORDERED** that the Court will consider whether to adopt these amendments on a permanent basis during its August 2026 Rules Agenda.

**IT IS FURTHER ORDERED** that this matter is opened for public comment under Rule 28(c), Rules of the Supreme Court of Arizona, on whether these amendments should be adopted on a permanent basis, with all comments due by no later than May 1, 2026, and any reply due no later than June 1, 2026.

Rule petitions, including this one, may be viewed by going to: <http://www.azcourts.gov/Rules-Forum>. This opens the "Welcome" page. Petitions are posted under the appropriate body of rules. For example, the Rules of Procedure for Judicial Performance Review 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 26th day of November, 2025.

/s/

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ANN A. SCOTT TIMMER  
Chief Justice

Arizona Supreme Court No. R-25-0006

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TO:

Rule 28 Distribution

William F Auther

ATTACHMENT<sup>1</sup>

**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]

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<sup>1</sup> 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]**

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## **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 not publish statistical data or data summaries about a judge ~~that does not have an appropriate confidence level in a manner that is misleading about a judge's performance.~~ When publishing data summaries, the Commission must include the number of surveys sent and received as well as an aggregation of the survey results.

**(e)-(f) [No change]**