

1 Hon. John L. Blanchard
2 Hon. Ronda R. Fisk
3 Hon. James R. Knapp
4 Superior Court of Arizona, Maricopa County
5 125 W. Washington St.
6 Phoenix, AZ 85003
7 (602) 506-3204

8 IN THE SUPREME COURT OF THE STATE OF ARIZONA

9 In the Matter of:

} Supreme Court No. R-26-0020

10 PETITION TO ADOPT RULE 135
11 RULES OF THE SUPREME COURT

} COMMENT OF INDIVIDUAL
12 MARICOPA COUNTY JUDICIAL
13 BRANCH OFFICERS ON PETITION
14 TO ADOPT RULE 135

15 Worried about the erosion of intellect, Socrates famously urged a
16 moratorium on *writing*:

17 “[I]t will introduce forgetfulness into the soul of those who learn it:
18 they will not practice using their memory because they will put their
19 trust in writing, which is external and depends on signs that belong to
20 others, instead of trying to remember from the inside, completely on
21 their own.”

22 Plato, *Phaedrus*, 275A (Paul Woodruff & Alexander Nehamas trans.,
23 1995).

24 The Petition to Adopt Rule 135 highlights many of the challenges that courts
25 will have to navigate in this era of artificial intelligence tools. We agree with many
26 of the Petition’s concerns about transparency, potential misuse, and the risk of
27 hallucinations. We also agree that technology must never supplant the human
28 judgment essential to judicial decision-making.

1 While we share many of the Petition’s concerns, we disagree on the best
2 path forward. History counsels caution before prohibiting new tools out of
3 apprehension alone. Writing, printing, and even the novel once provoked
4 warnings that they would erode intellect and civic virtue. We support continued
5 discussion of the risks and benefits of AI through the Supreme Court’s existing
6 AI Steering Committee. We also recognize the need for sensible guardrails and
7 regular training to help judicial officers use AI tools safely and responsibly. In our
8 view, however, the least effective way to tackle these challenges would be to
9 prohibit judicial officers from using and learning about AI tools.

10
11 **1. Our court’s policies, training, and core values support our incremental**
12 **approach to the use of AI in the Judicial Branch.**

13
14 The Petition assumes that courts are currently operating without meaningful
15 guardrails. That premise does not reflect the experience of the Maricopa County
16 Superior Court.

17
18 In March 2024, Maricopa County Presiding Judge Joseph Welty created an
19 Artificial Intelligence Committee to navigate these issues. *See* Maricopa County
20 A.O. 2024-011 (Mar. 27, 2024) (attached as Ex. 1).

21
22 The Committee includes members from across the court system—judicial
23 officers, court administrators, court technology personnel, probation department
24 supervisors, and representatives of the clerk’s office. It also includes members
25 from the broader legal community, with representatives from the Maricopa
26 County Attorney’s Office, the Maricopa County Public Defender, and private law
27 firms. The Committee was tasked with, among other things, “[i]dentifying
28 opportunities for the use of AI” throughout the court system, “[r]ecommending

1 policies and procedures for the use of AI,” and “[e]nsuring consistency and
2 collaboration with [the AI Steering Committee established by] Supreme Court
3 A.O. 2024-33.”

4
5 In furtherance of these goals, the Committee drafted—and Presiding Judge
6 Pamela Gates signed—a September 2025 “Artificial Intelligence Governance
7 Policy” for the Judicial Branch in Maricopa County.

8
9 Our AI Governance Policy details how Judicial Branch employees may use
10 AI tools, which AI tools are allowed and which are prohibited, the circumstances
11 under which case-related information (“AI Restricted Information”) may be used
12 in conjunction with AI tools, and whether certain tasks or applications require
13 supervisory approval. *See* AI Governance Policy, CS-144 (Sept. 8, 2025)
14 (attached as Ex. 2). To ensure that case-related information is kept secure and
15 confidential, the AI Governance Policy at IV(A)(2) prohibits judicial officers and
16 other Judicial Branch users “from using AI Restricted Information in any AI Tool
17 unless the tool is expressly authorized on the Artificial Intelligence Tool List or
18 its use is permitted in an Enterprise AI Tool.”

19
20 Our AI Governance Policy addresses many of the risks raised in the Petition.
21 It plainly reaffirms that the use of AI tools “must never supplant the human
22 judgment essential to the fair and just administration of law” and emphasizes that
23 “judicial decision-making is a fundamentally human function—grounded in
24 impartiality, legal expertise, empathy, and accountability.” AI Governance Policy
25 at I. It acknowledges “the limitations of AI” and requires users to “review[] [AI-
26 generated content] for accuracy, clarity, completeness, relevance, bias, ethical
27 considerations, legal/regulatory compliance, and any other potential issues.” AI
28 Governance Policy at IV(A)(3)(d).

1
2 To receive a court-issued enterprise AI license, judicial officers “must
3 complete mandatory training on the ethical considerations, data privacy laws, and
4 the organizational practices governing data research and analysis.” AI Governance
5 Policy at IV(C)(4). In addition to covering practical aspects of the AI Governance
6 Policy, the training for judicial officers addresses ethical considerations and
7 distinguishes between permissible versus prohibited uses. The training
8 emphasizes the importance of maintaining full decision-making authority,
9 avoiding undue influence, and preserving public trust and confidence.

10
11 The training content is derived in part from the ethical obligations that all
12 judicial officers observe under the Arizona Code of Judicial Conduct. *See, e.g.*,
13 Ariz. R. Sup. Ct. 81, Canon 1.2 (“A judge shall act at all times in a manner that
14 promotes public confidence in the independence, integrity, and impartiality of the
15 judiciary”); Ariz. R. Sup. Ct. 81, Canon 2.4 cmt. (“Confidence in the judiciary is
16 eroded if judicial decision making is perceived to be subject to inappropriate
17 outside influences.”). Other portions of the training highlight the dangers of
18 relying on AI tools, such as the plausible but incorrect answers it can provide and
19 the possibility of hallucinations. Judicial officers are always accountable for every
20 word in their rulings, whether they’re relying on an AI tool, a law clerk’s memo,
21 case citations from the parties’ briefs, or a template from a judicial colleague.

22
23 Our training does not stop when judges receive access to an AI tool. Our
24 Civil Department, for example, holds group and one-on-one training for judges on
25 how to safely and effectively use these tools.

26
27 These are some of the efforts we’ve made so far in Maricopa County to chart
28 a course for the proper use of AI tools. Contrary to the Petition, we have never

1 “offloaded to an unacknowledged algorithm some quantum of [our] creative
2 process of judging” or “[a]bdicat[ed] our role as judges to an algorithm.” (Pet. at
3 5-6, 7.) Instead, we’re trying in good faith to determine whether we can leverage
4 specific AI tools and applications to be more efficient, more accurate, and more
5 fair in how we resolve thousands of cases every month in Maricopa County.

6
7 **2. A broad prohibition on the use of AI tools in “core judicial work” is**
8 **inconsistent with our common goals.**

9
10 We support the continued exploration of these issues through the Supreme
11 Court’s existing AI Steering Committee.

12
13 If the Supreme Court determines that a statewide rule is needed, we
14 recommend that the Court develop a standard that’s aligned with the goal of
15 ensuring that AI tools do not “supplant the human judgment essential to the fair
16 and just administration of law.” AI Governance Policy at I. That might be done
17 through adding AI-specific commentary to Canon 1.2 of the Arizona Code of
18 Judicial Conduct, which requires judicial officers to “promote[] public confidence
19 in the independence, integrity, and impartiality of the judiciary.”

20
21 The Petition, by contrast, proposes a prohibition on any use of AI tools for
22 what it calls “core judicial work”: “drafting language that will be read from the
23 bench as an oral ruling” or “drafting any document that adjudicates—drafting
24 orders, rulings, decisions, or opinions.” It attempts to distinguish those uses from
25 “adjudication-adjacent work, such as analyzing sets of data for insights and
26 performing analysis of complex materials, which are preparatory to or otherwise
27 not part of drafting a document that adjudicates.” (App’x to Pet.)

1 We agree with the Petition’s goals of safeguarding public trust, preventing
2 errors and hallucinations in judicial decisions, and ensuring that “judicial
3 decision-making is a fundamentally human function—grounded in impartiality,
4 legal expertise, empathy, and accountability.” *See* AI Governance Policy at I.

5
6 We are not persuaded, however, that a broad prohibition against using AI
7 tools in any “core judicial work” is the best way to achieve those goals. To the
8 contrary, the proposed rule would likely freeze responsible innovation while
9 offering little guidance on permissible uses. For example:

- 10
- 11 • Suppose a judge on a high-volume calendar uses Westlaw’s AI-Assisted
12 Research tool to identify the rule or statute governing a specific legal issue—
13 e.g., the standard of proof under ARPOP 38 for a contested hearing on an
14 order of protection, or the findings required to issue a Brady notice for
15 firearm restrictions. If the judicial officer then announces the standard on the
16 record, would that violate Rule 135? And if so, should that be a prohibited
17 use of AI tools?
 - 18 • A judge holds a three-day bench trial and then uploads the draft decision to
19 a court-issued enterprise Microsoft Copilot account, soliciting edits on
20 clarity, format, consistency, and readability. The judge also asks for
21 feedback on tone, as the case involves high-conflict litigants. Does this run
22 afoul of the prohibition on using AI tools for “core judicial work”?
 - 23 • A judge on a civil calendar uses a court-issued enterprise ChatGPT account
24 to upload the parties’ briefs for a summary judgment motion, then asks
25 ChatGPT to prepare a bench memo and identify relevant questions to ask at
26 oral argument. Is this permitted?
 - 27 • A judge in a juvenile matter submits a proposed order to Westlaw’s AI-
28 powered “Quick Check” to confirm the accuracy of citations and quotations

1 and identify relevant cases that the parties and the judge may have missed.
2 The Petition seems to acknowledge that this would be a “reasonable use[] of
3 generative AI in secondary judicial work product.” (Pet. at 13.) But if the
4 judge updates the draft in response to suggestions from an AI tool, does that
5 constitute “core judicial work,” “adjudication-adjacent work,” or something
6 else?

- 7 • A family court judge uses a court-issued enterprise Microsoft Copilot
8 account to upload a draft dissolution decree along with the pretrial
9 statements, then asks the AI tool to identify any issues or arguments raised
10 in the briefs that have been overlooked. The judge also asks the tool to
11 highlight any math errors in the draft order’s division of property and child
12 support calculations. Is this allowed?

13
14 These are just a few examples of ways in which judicial officers might
15 leverage AI tools to be more efficient, more accurate, and more effective in how
16 they resolve cases. In our view, the “core judicial work” definition introduces too
17 much uncertainty about whether some of these situations would be permissible or
18 prohibited. A definition that conscientious judges cannot apply with confidence is
19 unlikely to promote clarity, consistency, or trust. And it would do so without
20 addressing the underlying goal: ensuring that judicial officers can learn and adopt
21 new technology in a responsible way while maintaining full decision-making
22 authority, avoiding undue influence, and preserving public trust and confidence.

23
24 **3. A three-year moratorium is more likely to *hinder* a judicial officer’s**
25 **understanding of AI and other emerging technology.**

26
27 For centuries judges have adopted new technology to do their work more
28 efficiently and more accurately. Some of these—like the shift to word processors,

1 the transition to email communications, the advent of “e-filing,” the use of digital
2 audio recordings rather than stenographers, and our reliance on online research
3 tools like Westlaw and Lexis—were likely controversial at the time.
4

5 It would be impossible for a judge to keep up with the existing and rapidly
6 growing caseload *without* leveraging those tools. This is in part why judges are
7 now required to understand “the benefits and risks associated with [] technology
8 relevant to service as a judicial officer.” Ariz. R. Sup. Ct. 81, Canon 2.5 cmt. 1.
9

10 Members of the public hold a wide array of views on the reliability and
11 proper use of the AI tools currently available. Individual judicial officers do, too.
12 But advances in AI tools are currently measured in months or even weeks, not
13 years.
14

15 ChatGPT was first released to the public in November 2022, just over three
16 years ago. The proliferation of competing products, the increases in accuracy on
17 various benchmarks, and the steadily shrinking hallucination and error rates in the
18 past three years have been quite impressive.
19

20 It’s hard to predict what AI-based technology will be available in January
21 2030, when the proposed three-year moratorium would end. But it seems to us
22 that’s a reason to be more cautious about imposing a lengthy and broad
23 prohibition. These tools will get better. Our judges should get better along with
24 them. If judges are barred from engaging with these tools for three years (or
25 longer), their eventual and inevitable use of them will occur with less institutional
26 familiarity and fewer developed safeguards—not more. Without governance and
27 training, judicial officers will have no framework for navigating AI tools
28 responsibly.

1
2 A three-year moratorium will also be difficult to implement. Many standard
3 products that judicial officers use—such as Microsoft Word, Adobe Acrobat, and
4 Microsoft Outlook—are adding AI-powered functionality, even for
5 straightforward tasks like searching for archived emails or highlighting spelling
6 and grammar errors in a text document. Some of these aren't optional; an
7 individual judge using a court-issued computer may not have the authority to
8 refuse a software update or turn off certain features. It may also be difficult to
9 determine which of these features rely on AI technology and which do not.

10
11 AI tools will continue to improve. They will offer opportunities for judicial
12 officers to issue their rulings with greater accuracy, clarity, and consistency. This
13 is already happening.

14
15 AI also offers litigants who can't afford representation greater access to
16 justice. It might reduce costs and improve efficiency by allowing judicial officers,
17 court systems, and the clerk of court to automate routine tasks. It's unclear at this
18 stage whether, and when, and which AI tools will help us achieve those goals. But
19 if they can, and if the use of emerging technology leads to increased accuracy and
20 clarity and a shorter timeframe to get decisions issued, wouldn't that *improve*
21 public trust in the justice system? And wouldn't that be a reason to explore
22 technological solutions—carefully, responsibly, and incrementally—rather than
23 impose a broad three-year moratorium?

24
25 * * *

26
27 In short, we agree that the Petition highlights important issues relating to
28 how judicial officers and court systems should navigate the challenges of AI and

1 emerging technology. And this comment summarizes just some of our court’s
2 efforts to address these concerns.

3
4 It is simply not accurate to suggest that the only choices available are a broad
5 prohibition or an “uncontrolled experiment.” (Pet. at 4.) Instead, this is an
6 opportunity to chart a course for embracing new technology while ensuring that
7 individual judicial officers maintain full decision-making authority, avoid undue
8 influence, and preserve public trust and confidence. Stated differently, our court
9 has no intention of unleashing an “uncontrolled experiment.” We intend to learn,
10 adapt, and safely use technology without ever delegating our analysis or judgment.

11
12 If the Supreme Court determines that a statewide framework is needed, we
13 support that. But we urge the Court to consider whether the “core judicial work”
14 definition is the best way to achieve our common goals. We also recommend that
15 the Court study this issue as part of its AI Steering Committee to develop
16 guidance, promulgate training, and set clear benchmarks based on rapidly
17 changing technology rather than adopt a three-year moratorium.

18
19 The Petition’s reasoning may also prove too much. Our appellate courts have
20 long and appropriately relied on judicial clerks to perform many of the very
21 functions now said to be categorically impermissible if assisted by technology:
22 researching complex legal issues, preparing bench memoranda, drafting proposed
23 opinions, refining reasoning, and editing adjudicative language.

24
25 While Arizona appellate judges use judicial clerks for a wide variety of
26 substantive tasks, no one doubts that the judge remains the constitutional
27 decisionmaker. Like any research assistant, judicial clerks are capable of error.

1 While a judge may ask a clerk to research or even draft an opinion, no one
2 doubts that the constitutional responsibility remains with the judge, who must
3 independently review, verify, and adopt—or reject—any proposed language. The
4 same principle would govern any carefully regulated use of technological tools. If
5 supervised clerk assistance does not diminish judicial independence, dignity, or
6 public trust—and it plainly does not—then the Petition must explain why
7 supervised, regulated technological assistance is fundamentally different. It does
8 not do so.

9
10 As Socrates ultimately observed, the written word “can neither defend itself
11 nor come to its own support.” Plato, Phaedrus, 275E. It depends on its author. So
12 too with any tool employed in chambers. Responsibility rests not with the
13 instrument, but with the judicial officer who stands behind the decision. This
14 comment reflects the individual views of the authors—Maricopa County Superior
15 Court Judges Blanchard, Fisk, and Knapp—as well as the additional Maricopa
16 County Judicial Branch officers, court technology leaders, and general counsel
17 whose names are listed below.

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1 One final point, in the spirit of transparency. We used AI tools in the course
2 of preparing this comment. For example, we used (in compliance with our own
3 AI Governance Policy) ChatGPT and Microsoft Copilot to identify spelling and
4 typographical errors and to suggest improvements on clarity, readability, and tone.
5 But the opinions expressed in this comment are the authors' own, and every word
6 was drafted by a human.

7
8 Respectfully submitted this 2nd day of April 2026.

9
10 Hon. John L. Blanchard
11 Civil Department Presiding Judge

12 Hon. Ronda R. Fisk
13 Family Department Presiding Judge

14 Hon. James R. Knapp
15 Superior Court Judge
16 Co-Chair, AI Committee

17 Rachel Cameron
18 Chief Information Officer, Judicial
19 Branch
20 Co-Chair, AI Committee

Hon. Lori H. Bustamante
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21 Joshua Wycoff
22 Deputy Chief Information Security
23 Officer, Judicial Branch

Hon. Jennifer E. Green
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24 Dennis D. Carpenter, Jr.
25 General Counsel, Judicial Branch

Hon. Elizabeth T. Bingert
Superior Court Judge

26 Hon. Robert I. Brooks
27 Superior Court Judge

Hon. Christopher A. Coury
Superior Court Judge

28 Hon. Monica N.B. Edelstein
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Hon. David W. Garbarino
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Hon. Ashley V. Halvorson
Superior Court Judge

Hon. Melody G. Harmon
Superior Court Judge

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Hon. Nicolas B. Hoskins
Superior Court Commissioner

Hon. Vanessa N. Smith
Superior Court Commissioner

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Superior Court Commissioner