

1 Hon. Pamela S. Gates
2 Presiding Judge
3 Superior Court of Arizona, Maricopa County
4 125 W. Washington Street
5 Phoenix, AZ 85003
6 (602) 506-6391

7 IN THE SUPREME COURT OF THE STATE OF ARIZONA

8 In the Matter of:

9 } Supreme Court No. R-26-0020

10 } PETITION TO ADOPT SUPREME
11 } COURT RULE 135

12 } COMMENT ON THE PROPOSED
13 } RULE

14 The Presiding Judge and Associate Presiding Judge of the Superior Court in
15 and for Maricopa County respectfully submit this comment on the Petition to
16 Adopt Rule 135 of the Rules of the Supreme Court.

17 This Court resolves over 150,000 cases each year. In performing their
18 responsibilities, the judicial officers of our Court are acutely aware that each case
19 demands their attention and independent judgment. They are also aware that their
20 decisions carry profound, lasting consequences for real people's lives. The judges
21 and commissioners of this Court are individuals of extraordinary ability,
22 independence, and integrity.

23 This comment reflects the views of the Presiding and Associate Presiding
24 Judges in their leadership capacity and does not purport to represent the views of
25 all judicial officers of this Court, whose perspectives on the use of artificial
26 intelligence are thoughtful and not uniform.

27 We submit this comment not to take sides in the debate over artificial
28 intelligence, but to offer the perspective of a Court that has grappled seriously with

1 these questions and to urge the Supreme Court to adopt a framework that is
2 principled, durable, and worthy of the judiciary it governs.

3 **I. Judicial Independence and Judicial Accountability Are Non-Negotiable.**

4 Every judicial officer in Arizona took an oath. That oath binds every one of
5 us to the Constitution of the United States, the Constitution of the State of Arizona,
6 and the laws of this state. It is the foundation of everything we do. The Arizona
7 Code of Judicial Conduct gives our oath operational meaning, requiring judicial
8 officers to act with independence, integrity, and impartiality, and to maintain the
9 public's confidence in the judiciary.

10 Our obligations do not change when the tools available to us change. When
11 judges gained the ability to cut and paste from proposed findings of fact and
12 conclusions of law, they remained oath-bound to critically evaluate the accuracy
13 of every word in their rulings. When Westlaw eliminated the need to physically
14 Shepardize a case, judicial officers remained obligated to review and analyze the
15 validity of the cases they cited. When artificial intelligence permits a judicial
16 officer to prepare an outline or proposes a more understandable way to
17 communicate a complex analysis, the judicial officer remains oath-bound to
18 evaluate and approve the accuracy of every written or spoken word. That principle
19 is absolute, and it is already embedded in the words that bind us to the law we
20 follow. The responsibility for every ruling, every order, every word issued from
21 this Court rests with the judicial officer.

22 The oath and Code of Judicial Conduct already preclude any judicial officer
23 from substituting the output of any tool for their own independent judgment.

24 **II. Courts Did Not Create Artificial Intelligence, and It Is Not Going Away.**

25 Artificial intelligence is not a phenomenon courts can ignore. We see it in
26 pleadings filed by lawyers and self-represented litigants. We see it in the
27 technological tools we use. We see it every day. The question before the Supreme
28 Court is not whether artificial intelligence will be present inside the walls of our

1 courthouse. It already is. The question is whether we permit judicial officers to
2 engage with it responsibly, carefully, cautiously, deliberately, transparently, and
3 within a principled framework.

4 We submit that the Petition's proposed solution - a categorical, three-year
5 moratorium on the use of generative artificial intelligence in "core judicial work"
6 - is not the right framework for the problem it identifies. We submit that the right
7 framework already exists.

8 The Supreme Court created a Statewide Steering Committee on Artificial
9 Intelligence and the Courts. The Steering Committee has been charged with
10 advising the Arizona Judicial Council on the ethical use of artificial intelligence,
11 developing guidelines and best practices, recommending necessary rules and
12 procedures, and bringing together legal professionals, technologists, and
13 stakeholders from within and outside the judiciary. The Steering Committee has
14 already proposed a series of rule changes, identified approved and prohibited tools
15 for judicial work, and established a framework of cautions and prohibitions
16 governing the use of AI in judicial work. Rather than a three-year moratorium
17 while the world around us continues to advance, we urge the Supreme Court to
18 direct the Statewide Committee on Artificial Intelligence to continue its work and
19 re-evaluate potential amendments to the Code of Judicial Conduct, which may
20 include standards for transparency, guardrails for use, and security of the data and
21 information our courts have an obligation to protect. That approach is principled,
22 adaptive, and consistent with how the judiciary has historically responded to
23 technological change.

24 **III. There Is Room in This Judiciary for Both Approaches - Provided Each Is** 25 **Grounded in Accountability.**

26 The judges of the Superior Court in Maricopa County do not agree on
27 whether artificial intelligence should be used in judicial work. Some have
28 concluded that it can be a valuable tool because it can assist the judicial officer in

1 improving the accuracy, clarity, and tone of their rulings. Some have concluded
2 that it can be a valuable tool to assist self-represented litigants with access to
3 justice. Others have concluded that they do not wish to use it, and that their own
4 practice of judging is better served without it.

5 Each position is well-reasoned and consistent with a judge's oath, provided
6 the judge understands the tools available, accepts full accountability for every
7 decision they render, and conducts themselves in accordance with the Code of
8 Judicial Conduct. The judiciary has always made room for individual judicial
9 officers to approach their work differently - in how they manage their courtrooms,
10 how they conduct hearings, and how they structure their analysis. What the oath
11 and Code do not permit, regardless of the tools a judge chooses to use or decline,
12 is the abdication of responsibility. That line must hold.

13 **IV. Principled Governance, Ongoing Study, and Adaptive Leadership.**

14 The issues this Petition raises are real, and we do not seek to minimize these
15 concerns. A judicial officer who accepts a hallucinated citation undermines the
16 integrity of the ruling and the confidence of the litigants who depend on it. A
17 judiciary that is perceived to have outsourced its judgment to a machine - even
18 partially, even occasionally - risks something it cannot easily recover: the public's
19 belief that a human being, bound by an oath, is genuinely responsible for the
20 decisions that govern their lives. These are not hypothetical risks. They are already
21 materializing in courts across the country, and they demand a serious response.

22 Our disagreement with the Petition is not about whether the risks are real. It
23 is about whether a blunt, categorical moratorium is the right instrument to address
24 the risks. After careful and thoughtful consideration, we urge the Supreme Court
25 to:

- 26 • Affirm, clearly and without equivocation, that judicial decision-making is a
27 fundamentally human function and that no tool - artificial intelligence or
28 otherwise - relieves a judicial officer of full accountability for their decisions;

- 1 • Direct the existing Arizona Steering Committee on Artificial Intelligence to
2 continue its evaluation of additional rules that may be necessary to provide
3 judicial officers clear, workable standards for the responsible use of emerging
4 technologies; and
5 • Reject the proposed moratorium.

6 Respectfully submitted this 24th day of April, 2026.

7
8 /s/ Pamela Sue Gates

9 Honorable Pamela Sue Gates
10 Presiding Judge
11 Superior Court of Arizona in and for
12 Maricopa County

13 /s/ Danielle J. Viola

14 Honorable Danielle J. Viola
15 Associate Presiding Judge
16 Superior Court of Arizona in and for
17 Maricopa County

18 Electronic copy filed with
19 Clerk of the Arizona Supreme Court
20 this 24th day of April, 2026.
21
22
23
24
25
26
27
28