

1 Jessica J. Fotinos, Bar No. 019777  
General Counsel  
2 State Bar of Arizona  
4201 N. 24th Street, Suite 100  
3 Phoenix, AZ 85016-6288  
(602) 340-7236  
4

5 **IN THE SUPREME COURT**  
**STATE OF ARIZONA**

6 In the Matter of:

Supreme Court No. R-26-0020

7 **PETITION TO AMEND THE**  
8 **ARIZONA RULES OF THE**  
9 **SUPREME COURT AND ADOPT**  
**NEW RULE 135**

**PROPOSED COMMENT**

10 **I. INTRODUCTION**

11 Pursuant to Rule 28(a) of the Arizona Rules of the Supreme Court, the State  
12 Bar of Arizona (“State Bar”) hereby submits this comment regarding Petition R-26-  
13 0020. The State Bar recognizes that there are valid arguments to support and to  
14 oppose this Petition and therefore takes no formal position at this time.

15 However, the State Bar acknowledges that the ban proposed may defeat the  
16 purpose of the ongoing work of the Court’s Center for Forensics & Artificial  
17 Intelligence and the Arizona Steering Committee on Artificial Intelligence and the  
18 Courts and realizes the potential ambiguity in differentiating “core judicial work”  
19 from “adjudication-adjacent work.” This Comment presents competing arguments  
20 for the Court’s consideration.

1 **II. THE PETITION**

2 Proposed Rule 135, Ariz. R. Sup. Ct., would define “generative AI” and  
3 prohibit the use of this type of artificial intelligence in “core judicial work” while  
4 permitting its use in “adjudication-adjacent work.”

5 “Core judicial work” is defined in proposed Rule 135(a) as “drafting any  
6 document that adjudicates” with examples including “orders, rulings, decisions, or  
7 opinions.” “Adjudication-adjacent work” is work not within the first category and  
8 includes, for example, analyzing data sets and complex materials preparatory to  
9 drafting a document that adjudicates.

10 “Generative AI” is defined in proposed Rule 135(b) as “artificial intelligence  
11 technology that can create new content through machine learning based on data  
12 input,” with multiple examples of what constitutes generative AI.

13 Proposed Rule 135(c) prohibits any “judicial officer” from using generative  
14 AI in core judicial work “through December 31, 2029,” and suggests that the Arizona  
15 Steering Committee on Artificial Intelligence and the Courts – or another entity at  
16 the direction of the Arizona Supreme Court – may study whether and how generative  
17 AI might be used for core judicial work.

18 Proposed Rule 135(d) permits judicial officers to use generative AI in  
19 adjudication-adjacent work but only “to the extent approved by the Arizona Steering  
20 Committee on Artificial Intelligence and the Courts.”

1 **III. ARGUMENTS IN FAVOR OF THE PETITION**

2 Proposed Rule 135 would provide helpful guidance to the judiciary in the use  
3 of generative AI and also increase public confidence in the judicial system by  
4 ensuring that important decisions regarding citizens’ legal rights, liberty, lives, and  
5 property are ultimately the product of human intelligence.

6 The Petition thoughtfully and proactively addresses public concern about  
7 potentially imprudent use of generative AI in adjudicating cases. Over-reliance on  
8 algorithms and large-language models – whether real or perceived – jeopardizes  
9 public trust and confidence in the judicial system. Civil litigants who spend hundreds  
10 or even millions of dollars on attorneys, experts, and other costs rightfully expect  
11 that their disputes will receive serious attention by human beings trained in the law.

12 Criminal defendants who face deprivation of their liberty or even their lives  
13 deserve to know that the decision-making process is not only fair but also the work  
14 of diligent judicial officers who use their own experience and wisdom rather than  
15 relying on an opaque process of machine learning based on data input.

16 Parties whose fundamental parental rights are at stake will only respect the  
17 resulting adjudications if convinced that those decisions are the product of an  
18 impartial judicial process based upon human intelligence and the rule of law.

19 Proposed Rule 135 establishes reasonable guidelines that may reassure the  
20 public of the integrity and humanity of the justice system. No rule on this subject

1 will be perfect, as the proposed rule itself recognizes by suggesting further study.  
2 But having a rule to establish boundaries is helpful.

3       Some suggest that the current ethical rules set forth in the Code of Judicial  
4 Conduct are sufficient to ensure that judicial officers do not delegate core  
5 adjudicative functions to generative AI. But even if existing rules could be utilized,  
6 the adoption of the proposed rule will reassure the public that the judiciary takes the  
7 challenges of artificial intelligence seriously and that judicial officers are committed  
8 to preserving the human dignity of every person who comes before them. The public  
9 deserves to know that, if artificial intelligence is used, it is only a tool to help the  
10 ultimate decision makers, not the source of the decisions themselves.

#### 11 **IV. ARGUMENTS OPPOSING THE PETITION**

12       The State Bar incorporates by reference the thoughtful and well-reasoned  
13 arguments made in the *Comment of Individual Maricopa County Judicial Branch*  
14 *Officers on Petition to Adopt Rule 135*, filed on April 2, 2026, and the *Comment of*  
15 *the Honorable Pamela S. Gates, Presiding Judge of the Superior Court of Arizona*  
16 *in Maricopa County and the Honorable Danielle J. Viola, Associate Presiding Judge*  
17 *of the Superior Court of Arizona in Maricopa County*, filed on April 24, 2026.

18       The advancement of AI within the justice system will continue to expand and  
19 impact the work of courts throughout the United States, and a state-wide, rule-based  
20 three-year moratorium on its use for what is defined in proposed Rule 135 as “core

1 judicial work,” may leave Arizona courts and its judicial officers in a detrimental,  
2 and what could be, a quickly antiquated position. If this Court determines that a  
3 statewide rule banning the use of generative AI for core judicial work is needed for  
4 a limited period of time, the State Bar recommends that the Court develop specific  
5 judicial use standards and guidelines, differentiating more fully between what  
6 constitutes “core judicial work” and “adjudicative-adjacent work” that are aligned  
7 with the goal of ensuring that AI tools do not replace the human judgment essential  
8 to the equitable and impartial administration of the law.

9       This Court could use the September 2025 “CS-144 Artificial Intelligence  
10 Governance Policy” for the Judicial Branch in Maricopa County as a starting point  
11 for the development of state-wide standards and guidelines that could be set forth in  
12 administrative order or the Code of Judicial Administration. If the Court adopts  
13 proposed Rule 135(b), the State Bar requests that the Arizona Steering Committee  
14 on Artificial Intelligence and the Courts should study clarifying proposed Rule  
15 135(b) to include permissible uses of artificial intelligence such as spelling and  
16 grammar correction, research in specialized databases such as Westlaw and  
17 LexisNexis, and automated processes for completing form documents.

1 **V. CONCLUSION**

2 Given substantial and cogent arguments on both sides of this issue, the State  
3 Bar takes no position at this time on this Petition.

4 RESPECTFULLY SUBMITTED this 1<sup>st</sup> day of May, 2026.

5 *Jessica J. Fotinos*

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7 Jessica J. Fotinos  
8 General Counsel

9 Electronic copy filed with the  
10 Clerk of the Supreme Court of Arizona  
11 this 1<sup>st</sup> day of May, 2026.

12 by: PSequin