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**IN THE SUPREME COURT
STATE OF ARIZONA**

In the Matter of:	)	Supreme Court No. R-17-0047
	)	
PETITION TO AMEND	)	
TERMINOLOGY SECTION, RULES	)	
OF THE COMMISSION ON	)	COMMENT OF THE ARIZONA
JUDICIAL CONDUCT	)	COMMISSION ON JUDICIAL CONDUCT
	)	
	)	
	)	
	)	

Pursuant to Rule 28(D). Rules of the Supreme Court of Arizona, the Arizona Commission on Judicial Conduct (“Commission”) submits its comment to the above-captioned petition. In general, the Commission does not oppose amending the definition of “record” contained in the Terminology section of the Rules of the Commission on Judicial Conduct, though it proposes slightly different language from that suggested by Petitioner.

DISCUSSION

The Commission agrees that exhibits and attachments to a complainant’s initial complaint and to a judge’s response in informal proceedings should be encompassed by the definition of “record.” Treating such documents as part of the record offers transparency in Commission proceedings and is consistent with how clerks of court typically define pleadings such as

complaints. Consistent with Rule 28(F)(2), the Commission presumes any such amendment will have prospective application only, as it has not historically retained attachments or exhibits in dismissed cases.¹ See Commission Administrative Policy 7(a)(i).

The Commission, however, proposes slightly different language from that suggested by Petitioner, defining “record” as:

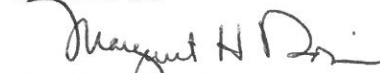
“Record” means the complaint (including exhibits or attachments, if any), the judge’s response (including exhibits or attachments, if any), the commission’s findings, if any, and the final dispositional order in a case involving informal proceedings, and all documents filed with the commission in a case involving formal proceedings beginning with the notice and statement of formal charges, including the digital recording of the hearing if recommendations are filed with the supreme court.

CONCLUSION

With the minor modifications suggested herein, the Commission does not oppose the petition to amend the definition of “record” contained in the Terminology Section of the Rules of the Commission on Judicial Conduct.

DATED this 8th day of May, 2018.

ARIZONA COMMISSION ON JUDICIAL
CONDUCT



Margaret H. Downie
Executive Director

¹ The Commission *has* retained exhibits and attachments in cases resulting in the imposition of informal sanctions. Thus, the exhibits and attachments Petitioner initially sought have been retained.

Electronic copy filed with the
Court Rules Forum

Copy mailed this 8th day of
May, 2018, to:

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By: Margaret H. Don