

SUPREME COURT OF ARIZONA

In the Matter of: ) Arizona Supreme Court  
) No. R-12-0001  
PETITION TO AMEND RULES 23 AND )  
27, RULES OF THE COMMISSION ON )  
JUDICIAL CONDUCT )  
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\_\_\_\_\_ ) **FILED 08/30/2012**

**ORDER  
AMENDING RULES 23 AND 27,  
RULES OF THE COMMISSION ON JUDICIAL CONDUCT**

A petition having been filed proposing to amend the Rules of the Commission on Judicial Conduct and no comments having been received, upon consideration,

IT IS ORDERED that Rules 23 and 27, Rules of the Commission on Judicial Conduct, be amended in accordance with the attachment hereto, effective January 1, 2013.

DATED this 30th day of August, 2012.

\_\_\_\_\_  
REBECCA WHITE BERCH  
Chief Justice

TO:  
Rule 28 Distribution  
Louis Frank Dominguez  
George A Riemer  
Jennifer M Perkins

## ATTACHMENT<sup>1</sup>

### RULES OF THE COMMISSION ON JUDICIAL CONDUCT

#### Rule 23. Disposition and Commission Review

(a) **Disposition.** [No change in text.]

(b) **Review.** Within fifteen days after the commission sends an informal disposition order, review of the order may be sought by filing one of the following alternative motions.

~~(1) Motion for reconsideration. Within fifteen days of the mailing of an order,~~  
¶The judge or the complainant may file a motion for reconsideration, which may include a request to appear before the commission. No response to the motion is required unless requested by the commission. The commission shall promptly notify the judge and the complainant of its decision. Absent extraordinary circumstances, the commission will only consider factual information and evidence provided to it before the date of the disposition order.

~~(e)(2) Request for formal hearing. As an alternative to filing a motion for reconsideration, ¶The judge may, within fifteen days of the mailing of an order, file a request for a hearing conducted pursuant to consistent with Rules 27-24-29, subject to the following provisions; providing, however, that the hearing shall be conducted before the commission rather than a hearing panel or hearing officer, that the duties of the presiding member described in the rule shall be performed by the chairperson of the commission or the chairperson's designee, and that all other subsections of the rule shall be interpreted in accordance with these provisions.~~

(A) The hearing shall be conducted before the commission rather than a hearing panel or hearing officer, and all duties of the "presiding member" referenced in Rules 25-29 shall be performed by the commission's chairperson or the chairperson's designee.

(B) Formal charges shall be filed pursuant to Rule 24, except that no investigative panel finding of reasonable cause is required. All other

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<sup>1</sup> Changes or additions in rule text are indicated by underscoring and deletions from text are indicated by ~~strikeouts~~.

provisions of Rule 24 apply.

(C) Rules 27(a), (c), and (e), and Rule 28(b) do not apply.

(D) Disciplinary counsel and the judge or the judge's attorney may stipulate to otherwise limit or specify the scope or conduct of the hearing only with the approval of the commission chairperson or the chairperson's designee.

\* \* \*

## **Rule 27. Hearings**

(a)-(f) [No change in text.]

**(g) Ex parte communications.** Members of an investigative panel, commission staff, disciplinary counsel, the complainant, the judge, and the judge's counsel shall not engage in improper ex parte communications, as defined in ~~Canon 3B(7)~~ Canon 2, Rule 2.9 of the code, with members of a hearing panel or a hearing officer as to the merits of a case in which the investigative panel has been involved.

(h) [No change in text.]