



# Supreme Court

STATE OF ARIZONA

FROM THE CHAMBERS OF  
RUTH V. McGREGOR  
CHIEF JUSTICE

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## MEMORANDUM

**TO:** Ms Stephanie Nolan, Staff  
Commission on Technology

**FROM:** Chief Justice Ruth V. McGregor

**DATE:** August 23, 2007

**RE:** Proxy Clarification

I have recently learned that Arizona Judicial Council standing committees and commissions may be using proxy rights in different ways. To ensure consistent use of proxy rights, I am clarifying the use of proxies at committee and commission meetings by providing to you the following information.

The Arizona Code of Judicial Administration (ACJA) 1-104: Judicial Council provides the following proxy policy:

- D. Responsibilities of Members.** Members shall actively participate in council meetings, administration of council affairs and committee meetings. A council, committee or commission member may designate a proxy to attend meetings and vote on behalf of the member, subject to the following requirements:
1. The proxy is a delegate of the member and, in that capacity, carries the same responsibility as does the members;
  2. The proxy delegate shall review all agenda issues and be prepared for the meeting;
  3. The proxy delegate shall consider any and all additional information presented at the meeting by staff and others, as well as the information derived from the meeting discussion, prior to voting on an issue;
  4. The chair of the council, committees and commissions shall establish a policy requiring that appointed members attend a specified number or percentage of meetings;
  5. The chair and membership of each committee shall require by policy that a member may not use the proxy provision for more than a specified number of times during the member's term; and

6. The use of proxies by members of the council and its committees and commissions is limited to extraordinary circumstances, as determined by the council, committee or commission chair<sup>3</sup>.

In addition to the Judicial Council policy listed above, other requirements for the use of a proxy include the following:

- Another member **cannot** serve as a proxy for an absent member.
- A proxy does not vote for the absent member; they attend the meeting on behalf of the absent member and vote based on the information provided, making his/her own informed decision.
- A proxy should attend the meeting in person.

Thank you for your adherence to the proxy rights guidelines and for your work on our committees, commissions, and council. Your participation is critical for the continued success of the Arizona Judicial Branch.

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<sup>3</sup> Subsection 6 means that if a council, committee, or commission member cannot attend a meeting and would like to send a proxy, he or she must obtain **prior approval** of the council, committee, or commission chair. If approved by the chair, that proxy must comply with all other guidelines regarding proxy rights.