

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
AUTHORIZING A STREAMLINED) Administrative Order
RESOLUTION PROCESS FOR) No. 2025 - 39
NON-JURISDICTIONAL COMPLAINTS)
FILED WITH THE COMMISSION ON)
JUDICIAL CONDUCT ON A PILOT)
PROJECT BASIS)

Pursuant to Section 5 of Article 6.1 of the Arizona Constitution, the Supreme Court is responsible for promulgating rules for the Commission on Judicial Conduct. As part of the 2019 – 2024 Arizona Judicial Branch strategic agenda, the Administrative Office of the Court’s (AOC) internal auditor conducted an operational review of the Commission on Judicial Conduct (Commission) “to ensure compliance with existing laws and procedures and examine opportunities for improvement and transparency.”

One of the recommendations was to modify the Commission’s initial screening and review processes for non-jurisdictional complaints in order to offer expedited dispositions of these matters. Currently, Commission Rule 21 requires:

Commission staff shall evaluate each complaint received and recommend an appropriate disposition to the commission as a whole or to an investigative panel, including, but not limited to, dismissal after initial screening or after further investigation, the imposition of an informal sanction, or the filing of formal charges.

Thus, because the Commission as a whole must review all complaints, this can sometimes delay the dispositions of certain types of complaints, particularly non-jurisdictional complaints such as ones in which the allegations are solely disagreements with a legal ruling. Prior to 2015, the Commission’s Executive Director had authority to dismiss these types of complaints following an initial screening, subject to review by the full Commission. However, as a result of various Commission rule changes that took effect January 1, 2015, the Commission as a whole is now required to review all complaints.

In response to the operational review, the Commission agreed with the auditor’s recommendation on finding proposed processes to expedite the dispositions of these non-jurisdictional complaints. The Commission proposed on a pilot basis, that a three-member panel of the Commission, referred to as a “duty panel,” review and enter dispositional orders on non-jurisdictional complaints that solely allege disagreements with legal rulings. The duty panel members would serve for three months, and the pilot project would be evaluated at the six-month mark. Presuming the process is effective, the Commission may consider adding other categories

of complaints to this process. Any changes chosen to be adopted on a permanent basis would need to be submitted to the Supreme Court in the form of a rule change petition. However, in order to conduct this pilot project, Commission Rule 3(d) requiring a six-person quorum for all business transacted before the Commission and Rule 21 requiring the Commission as a whole to consider all complaints would need to be suspended as applied to the limited category of complaints selected – non-jurisdictional complaints solely alleging disagreements with legal rulings.

Therefore, after due consideration,

IT IS ORDERED that the Commission on Judicial Conduct is authorized to implement a streamlined resolution process for non-jurisdictional complaints on a pilot project basis and shall adopt internal policies/procedures for the implementation of such program.

IT IS FURTHER ORDERED that such process shall be evaluated by the Commission following six full months of implementation (the start date of which shall be internally designated by the Commission).

IT IS FURTHER ORDERED that following the six-month evaluation, the Commission Chair or its designee shall prepare a report to the Supreme Court describing the policies, practices, and procedures adopted and the effectiveness of the resolution process for these types of complaints. The report shall outline whether the Commission believes the process should be adopted on a permanent basis either as is or with modifications through a rule change petition.

Dated this 25th day of February, 2025.

FOR THE COURT:

ANN A. SCOTT TIMMER
Chief Justice