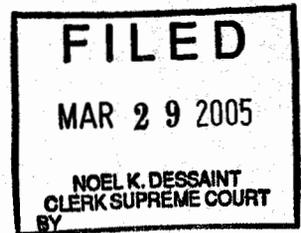


IN THE SUPREME COURT OF THE STATE OF ARIZONA

Supreme Court No. R-05-0002



**ORDER AMENDING
RULE 7, UNIFORM RULES OF PROCEDURE FOR COMMISSIONS
ON APPELLATE AND TRIAL COURT APPOINTMENTS**

IT IS ORDERED that Rule 7, Uniform Rules of Procedure for Commissions on Appellate and Trial Court Appointments, be amended in accordance with the attachment hereto,* effective as of April 4, 2005.

DATED in the City of Phoenix, Arizona at the Arizona Courts Building, this 29th day of March, 2005.

For the Court:

A handwritten signature in cursive script, appearing to read "Charles E. Jones", written over a horizontal line.

CHARLES E. JONES
Chief Justice

* Changes or additions in text are indicated by underscoring and deletions from text are indicated by ~~strikeouts~~.

**Amendments to Rule 7,
Rules of Procedure for Commissions on Appellate and Trial Court Appointments**

Text that is stricken through indicates text deleted from Rule 7.

Underscored text is new text added to Rule 7.

Rule 7. Application

a. Every applicant shall complete and file with the ~~Clerk of the Supreme Court~~ Administrative Office of the Supreme Court an original and at least sixteen (16) copies of the "Application for Nomination to Judicial Office," as specified in the public announcement of each judicial vacancy. The application shall be on a form approved by the Supreme Court after opportunity for public comment.

b. The original application of a person not appointed by the Governor shall be retained for six months after the application deadline date stated on the first page of the judicial application. All documents received with respect to the person's application shall also be retained for six months. At the applicant's request, the original application and any supplemental material submitted by the applicant may be returned to the applicant at any time during the six months. Unless earlier returned to the applicant, ~~All~~ documents shall be retained on file and provided to the appropriate Commission for any vacancy for which the person applies during the six-month period the documents remain on file, unless the applicant states in writing that he or she does not wish to apply for any subsequent vacancy occurring within the six-month period. If the application has not been returned to the applicant and is not being considered for any other pending vacancy, at the expiration of the six-month period the application and all supplemental materials submitted by the applicant or any third party shall be destroyed.

c. Applications and documents on file for each judicial vacancy shall be provided to the members of the appropriate Commission at least seven days prior to the first Commission meeting concerning each vacancy.

d. ~~Applications and materials received regarding an applicant~~ Except as provided in subsection (2) below, information provided to the Commission by the applicant or by a third party shall remain be presumed to be confidential available to the public.

(1) The following shall be available to the public:

(A) The applicant's name, occupation, employer, relevant work history, any other information provided in response to Section I of the application form, and any supplemental material submitted by the applicant relating to Section I;

(B) Any information that is specifically authorized for release by the source of that information.

(2) The following information shall remain confidential throughout the nomination and appointment process for use only in accordance with these rules. until destroyed at the conclusion of the six-month period pursuant to subsection B:

(A) The applicant's home address, information regarding the applicant's family, and all other information that is provided to the Commission in response to questions contained in Section II of the application form;

(B) Information provided in writing or orally to the Commission by third parties regarding an applicant, and the third party's identity, unless the third party specifically states in writing that the information may be made public;

(C) Notes of the individual Commissioners that are generated for personal use only and not published to other members of the Commission;

(D) Any information that is provided to a member of the Commission after a promise of confidentiality is properly extended to the source by that Commissioner pursuant to Rule 8(b) or 9(d);

(E) Any information obtained by or submitted to the Commission that is made confidential by other provisions of law.

APPLICATION FOR NOMINATION TO JUDICIAL OFFICE

This original application and 46 __ copies must be filed with the Human Resources Division, Administrative Office of the Courts, 1501 W. Washington, Suite 227, Phoenix, AZ, 85007, not later than 3:00 ____ p.m. on _____, 20_. Read the application instructions thoroughly before completing this application form. ~~The contents of the application will be held in strictest confidence subject to the requirements of the applicable rules.~~ The fact that you have applied is not confidential and the information provided may be verified by Commission members. The names of applicants, interviewees and nominees are made public, and Commission files pertaining to nominees are provided to the Governor for review. THIS ENTIRE APPLICATION, INCLUDING THE CONFIDENTIAL PORTION (SECTION II), IS FORWARDED TO THE GOVERNOR UPON NOMINATION BY THE COMMISSION.

SECTION I: PUBLIC INFORMATION (QUESTIONS 1 THROUGH 71)

PERSONAL INFORMATION

1. Full Name:

2. Have you ever used or been known by any other legal name? _____ If so, state name:

3. Office Address:

_____ ~~Mailing Address:~~ (MOVED TO SECTION II)

4. Have you been a resident of Arizona for the past five years?

5. Have you been a resident of _____ County for the past year?

6. Birth Date: _____ Age: _____

(The Arizona Constitution, Article VI, §§22 and 37, require that judicial nominees be 30 years of age or older before taking office and younger than age 65 at the time the nomination is sent to the Governor.)

7. List your present and former political party registrations and approximate dates of each:

(The Arizona Constitution, Article VI, §37, requires that not all nominees sent to the Governor be of the same political affiliation.)

8. Gender: _____ Race/Ethnicity: White
 Hispanic or Latino (of any race)
 Black or African American
 American Indian or Alaska Native
 Asian
 Native Hawaiian/Pacific Islander
 Other: _____

(The Arizona Constitution, Article VI, §§36 and 41, require that the Commission consider the diversity of the state's or county's population in making its nominations. However, the primary consideration shall be merit.)

EDUCATIONAL BACKGROUND

9. List names and locations of schools attended (college, advanced degrees and law), dates attended and degrees.

10. List major and minor fields of study and extracurricular activities.

11. List scholarships, awards, honors, citations and any other factors (e.g., employment) you consider relevant to your performance during college and law school.

PROFESSIONAL BACKGROUND AND EXPERIENCE

12. List all courts in which you have been admitted to the practice of law with dates of admission. Give the same information for administrative bodies, which require special admission to practice.

13.
 - a. Have you ever been denied admission to the bar of any state due to failure to pass the character and fitness screening?_____ If so, explain.

 - b. Have you ever had to take a bar examination more than once in order to be admitted to the bar of any state?_____ If so, explain.

14. Indicate your employment history since completing your formal education. List your current position first. If you have not been employed continuously since completing your formal education, describe what you did during any periods of unemployment or other professional inactivity in excess of three months. Do not attach a resume.

EMPLOYER

DATES

LOCATION

15. List your current law partners and associates, if any. You may attach a firm letterhead or other printed list. Applicants who are judges should attach a list of judges currently on the bench in the court in which they serve.

16. Describe the nature of your present law practice, listing the major areas of law in which you practice and the percentage each constitutes of your total practice.

17. List other areas of law in which you have practiced.

18. Indicate any specialties for which you have applied for certification by the State Bar of Arizona and the results of that or of those applications.

19. Describe your typical clients.

20. Have you served regularly in a fiduciary capacity other than as a lawyer representing clients? If so, give details.

21. Describe your experience as it relates to negotiating and drafting important legal documents, statutes and/or rules.

22. Have you practiced in adversary proceedings before administrative boards or commissions? _____ If so, state:

a. The agencies and the approximate number of adversary proceedings in which you appeared before each agency.

b. The approximate number of these matters in which you appeared as:

Sole Counsel: _____

Chief Counsel: _____

Associate Counsel: _____

23. Have you handled any matters that have been arbitrated or mediated? _____ If so, state the approximate number of these matters in which you were involved as:

Sole Counsel: _____

Chief Counsel: _____

Associate Counsel: _____

24. List not more than three contested matters you negotiated to settlement. State as to each case: (1) the date or period of the proceedings; (2) the names, addresses (street and e-mail) and telephone numbers of all counsel involved and the party each represented; (3) a summary of the substance of each case; and (4) a statement of any particular significance of the case. You may reveal nonpublic, personal, identifying information relating to client or litigant names or similar information in the confidential portion of this application.

25. Have you represented clients in litigation in Federal or Arizona trial courts? _____ If so, state:

The approximate number of cases in which you appeared before:

Federal Courts: _____

State Courts of Record: _____

Municipal/Justice Courts: _____

The approximate percentage of those cases which have been:

Civil: _____

Criminal: _____

The approximate number of those cases in which you were:

Sole Counsel: _____

Chief Counsel: _____

Associate Counsel: _____

The approximate percentage of those cases in which:

You conducted extensive discovery¹: _____

You wrote and filed a motion for summary judgment: _____

You wrote and filed a motion to dismiss: _____

You argued a wholly or partially dispositive pre-trial, trial or post-trial motion (e.g., motion for summary judgment, motion for a directed verdict, motion for judgment notwithstanding the verdict): _____

You made a contested court appearance (other than as set forth in above response) _____

You negotiated a settlement: _____

The court rendered judgment after trial: _____

A jury rendered verdict: _____

Disposition occurred prior to any verdict: _____

The approximate number of cases you have taken to trial:

Note: If you approximate the number of cases taken to trial, explain why an exact count is not possible.

Court _____

Jury _____

¹Extensive discovery is defined as discovery beyond standard interrogatories and depositions of the opposing party.

26. Have you practiced in the Federal or Arizona appellate courts? _____ If so, state:

The approximate number of your appeals which have been:

Civil: _____

Criminal: _____

The approximate number of matters in which you appeared:

As counsel of record on the brief: AZ _____ U.S. _____

Personally in oral argument: AZ _____ U.S. _____

27. Have you served as a judicial law clerk or staff attorney to a court? _____ If so, state the name of the court and dates of service, and describe your experience.

28. List not more than five cases you litigated or participated in as an attorney before mediators, arbitrators, administrative agencies, trial courts or appellate courts. State as to each case: (1) the date or period of the proceedings; (2) the name of the court or agency and the name of the presiding judge or officer before whom the case was heard; (3) the names, addresses (street and e-mail) and telephone numbers of all counsel involved and the party each represented; (4) a summary of the substance of each case; and (5) a statement of any particular significance of the case. You may reveal nonpublic, personal, identifying information relating to client or litigant names or similar information in the confidential portion of this application.

29. If you now serve or have previously served as a mediator, arbitrator, part-time or full-time judicial officer, or quasi-judicial officer (e.g., administrative law judge, hearing officer, member of state agency tribunal, member of State Bar professionalism tribunal, member of military tribunal, etc.), give dates and details, including the courts or agencies involved, whether elected or appointed, periods of service and a thorough description of your assignments at each court or agency. Include information about the number and kinds of cases or duties you handled at each court or agency (e.g., jury or court trials, settlement conferences, contested hearings, administrative duties, etc.).

30. List not more than five cases you presided over or heard as a judicial or quasi-judicial officer, mediator or arbitrator. State as to each case: (1) the date or period of the proceedings; (2) the name of the court or agency; (3) the names,

addresses (street and e-mail) and telephone numbers of all counsel involved and the party each represented; (4) a summary of the substance of each case; and (5) a statement of any particular significance of the case. You may reveal nonpublic, personal, identifying information relating to client or litigant names or similar information in the confidential portion of this application.

31. Describe any additional professional experience you would like to bring to the Commission's attention.

BUSINESS AND FINANCIAL INFORMATION

32. Have you ever been engaged in any occupation, business or profession other than the practice of law or holding judicial or other public office, other than as described at question #14? _____ If so, give details, including dates.

33. Are you now an officer, director or majority stockholder, or otherwise engaged in the management, of any business enterprise? _____ If so, give details, including the name of the enterprise, the nature of the business, the title or other description of your position, the nature of your duties and the term of your service.

Is it your intention to resign such positions and withdraw from any participation in the management of any such enterprises if you are nominated and appointed? _____ If not, give reasons.

34. Have you filed your state or federal income tax returns for all years you were legally required to file them? _____ If not, explain.

35. Have you paid all state, federal and local taxes when due? _____ If not, explain.

36. Are there currently any judgments or tax liens outstanding against you? _____ If so, explain.

37. Have you ever violated a court order including but not limited to an order for payment of child or spousal support? _____ If so, explain.

38. Have you ever been a party to a lawsuit, excluding divorce? _____ If so, indicate nature of lawsuit, whether you were a plaintiff or defendant, disposition of case and location of lawsuit.
39. ~~If your parents, siblings, spouse or children are employed or engaged in any business or profession, state their names and the name and address of their employer or the business in which they are engaged. (MOVED TO SECTION II)~~
4039. Do you have any financial interests, investments or retainers that might conflict with the performance of your judicial duties? _____ If so, explain.

CONDUCT AND ETHICS

4140. Have you ever been expelled, terminated, or suspended from employment, or any school or course of learning on account of plagiarism, cheating or any other “cause” that might reflect in any way on your integrity? _____ If so, give details.
4241. Are you currently charged with or have you ever been arrested for or convicted of any felony, misdemeanor (other than a minor traffic offense), or violation of the Uniform Code of Military Justice? _____ If so, give details.
4342. If you performed military service, please indicate the date and type of discharge. If other than honorable discharge, explain.
4443. List and describe any litigation (including mediation, arbitration, negotiated settlement and/or malpractice claim you referred to your insurance carrier) concerning your practice of law.
4544. List and describe any litigation involving an allegation of fraud in which you were or are a defendant.
4645. List and describe any sanctions imposed upon you by any court for violation of any rule or procedure, or for any other professional impropriety.
4746. To your knowledge, has any formal charge of professional misconduct ever been filed against you by the State Bar or any other official attorney disciplinary body in any jurisdiction? _____ If so, when? How was it resolved?

4847. Have you received a notice of public formal charges, cautionary letter, private admonition or other conditional sanction from the Commission on Judicial Conduct or any other official judicial disciplinary body in any jurisdiction? _____
If so, in each case, state in detail the circumstances and the outcome.
4948. During the last 10 years, have you unlawfully used controlled substances, narcotic drugs or dangerous drugs as defined by Federal and State laws? _____
If your answer is "Yes," explain in detail. (Unlawful use includes the use of one or more drugs and/or the unlawful possession or distribution of drugs. It does not include the use of drugs taken under supervision of a licensed health care professional or other uses authorized by Federal law provisions.)
5049. In the past year, have you ever been reprimanded, demoted, disciplined, placed on probation, suspended, cautioned or terminated by an employer as a result of your alleged consumption of alcohol, prescription drugs or illegal use of drugs? _____
If so, state the circumstances under which such action was taken, the name(s) of any persons who took such action, and the background and resolution of such action.
5150. Within the last five years, have you ever been formally reprimanded, demoted, disciplined, cautioned, placed on probation, suspended or terminated by an employer? _____
If so, state the circumstances under which such action was taken, the date(s) such action was taken, the name(s) of any persons who took such action, and the back ground and resolution of such action.
5251. Have any of your current or former co-workers, subordinates, supervisors, customers or clients ever filed a complaint or accusation of misconduct against you with any regulatory or investigatory agency, or with your employer? _____
If so, state the date(s) of such accusation(s), the specific accusation(s) made, and the background and resolution of such action(s).
5352. Have you ever refused to submit to a test to determine whether you had consumed and/or were under the influence of alcohol or drugs? _____
If so, state the date you were requested to submit to such a test, type of test requested, the name of the entity requesting that you submit to the test, the outcome of your refusal and the reason why you refused to submit to such a test.
5453. Within the last five years, have you failed to meet any deadline imposed by a court order or received notice that you have not complied with the substantive requirements of any business or contractual arrangement? _____
If so, explain in full.

5554. Have you ever been a party to litigation alleging that you failed to comply with the substantive requirements of any business or contractual arrangement, including but not limited to bankruptcy proceedings? _____ If so, explain in full.

PROFESSIONAL AND PUBLIC SERVICE

5655. Have you published any legal or non-legal books or articles? _____ If so, list with the citations and dates.

5756. Are you in compliance with the continuing legal education requirements applicable to you as a lawyer or judge? _____ If not, explain.

5857. Have you taught any courses on law or lectured at bar associations, conferences, law school forums or continuing legal education seminars? _____ If so, describe.

5958. List memberships and activities in professional organizations, including offices held and dates.

Have you served on any committees of any bar association (local, state or national) or have you performed any other significant service to the bar? _____

List offices held in bar associations or on bar committees. Provide information about any activities in connection with pro bono legal services (defined as services to the indigent for no fee), legal related volunteer community activities or the like.

6059. Describe the nature and dates of any community or public service you have performed that you consider relevant.

6160. List any professional or civic honors, prizes, awards or other forms of recognition you have received.

6261. List any elected or appointed offices you have held and/or for which you have been a candidate, and the dates.

Have you been registered to vote for the last 10 years? _____

Have you voted in all general elections held during those years? _____ If not, explain.

6362. Describe any interests outside the practice of law that you would like to bring to the Commission's attention.

HEALTH

6463. Are you physically and mentally able to perform the essential duties of a judge in the court for which you are applying? _____ Please identify any accommodations you may need to perform the job.

REFERENCES

65. ~~List the names, addresses, telephone numbers and e-mail addresses of three references who are lawyers or judges, and who are familiar with your professional activities, who would enthusiastically recommend you as qualified to serve on the judiciary.~~
66. ~~List the names, addresses, telephone numbers and e-mail addresses of three persons who are neither lawyers nor judges, with whom you have had contact other than professionally, who would enthusiastically recommend you as qualified to serve on the judiciary.~~
67. ~~List the names, addresses, telephone numbers and e-mail addresses of four lawyers with whom you have continuously dealt on substantive matters as adversaries in the last five years. If you have been a full-time judicial or quasi-judicial officer for the last five years, list the names, addresses, telephone numbers and e-mail addresses of four lawyers who have frequently appeared before you in contested matters.~~
68. ~~List the names, addresses, telephone numbers and e-mail addresses of three references who have served as fellow members of bar or professional association committees or activities, who would comment on your participation.~~
69. ~~List the names, addresses, telephone numbers and e-mail addresses of three references who are or were fellow participants in community organizations or activities, who would comment on your participation.~~

NOTE: MOVED "REFERENCES" QUESTIONS TO SECTION II.

ADDITIONAL INFORMATION

7064. The Arizona Constitution requires that the Commission consider the diversity of the state's or county's population in making its nominations. Provide any information about yourself (your heritage, background, experience, etc.) that may be relevant to this requirement.
7165. Provide any additional information relative to your application or qualifications you would like to bring to the Commission's attention at this time.
7266. If you were selected by this Commission and appointed by the Governor to serve, are you aware of any reason why you would be unable or unwilling to serve a full term? _____ If so, explain.
7367. If selected for this position, do you intend to serve fully, including acceptance of rotation to areas outside your areas of practice or interest? _____ If not, explain.
7468. Attach a brief statement explaining why you are seeking this position.
7569. Attach a professional writing sample, which you personally drafted (e.g., brief or motion). The sample should be no more than a few pages in length. You may excerpt a portion of a larger document to provide the writing sample. Please redact any personal, identifying information regarding the case at issue, unless it is a published opinion, bearing in mind that the writing sample will be made available to the public on the commission's website.
7670. If you have ever served as a judicial or quasi-judicial officer, mediator or arbitrator, attach sample copies of not more than two written orders, findings or opinions (whether reported or not) which you personally drafted. The writing sample(s) should be no more than a few pages in length. You may excerpt a portion of a larger document to provide the writing sample(s). Please redact any personal, identifying information regarding the case at issue, unless it is a published opinion, bearing in mind that the writing sample may be made available to the public on the commission's website.
7771. If you are currently serving as a judicial officer in any court and are subject to a system of judicial performance review, please attach the public data reports and commission vote reports from your last two performance reports-reviews.

SECTION II: CONFIDENTIAL INFORMATION
(QUESTIONS 72 THROUGH 86)

PERSONAL INFORMATION

72. Home Address:
73. E-mail Address:
74. Office Telephone:
75. Home Telephone:
76. FAX Number:
77. Date of Birth:
78. Place of Birth:
79. Social Security Number:
80. State Bar Number:
81. If your parents, siblings, spouse or children are employed or engaged in any business or profession, state their names and the name and address of their employer or the business in which they are engaged.

REFERENCES

82. List the names, addresses, telephone numbers and e-mail addresses of three references who are lawyers or judges, and who are familiar with your professional activities, who would enthusiastically recommend you as qualified to serve on the judiciary.
83. List the names, addresses, telephone numbers and e-mail addresses of three persons who are neither lawyers nor judges, with whom you have had contact other than professionally, who would enthusiastically recommend you as qualified to serve on the judiciary.
84. List the names, addresses, telephone numbers and e-mail addresses of four lawyers with whom you have continuously dealt on substantive matters as adversaries in the last five years. If you have been a full-time judicial or quasi-judicial officer for the last five years, list the names, addresses, telephone numbers and e-mail addresses of four lawyers who have frequently appeared before you in contested matters.
85. List the names, addresses, telephone numbers and e-mail addresses of three references who have served as fellow members of bar or professional association committees or activities, who would comment on your participation.
86. List the names, addresses, telephone numbers and e-mail addresses of three references who are or were fellow participants in community organizations or activities, who would comment on your participation.

WAIVER OF CONFIDENTIALITY AND RELEASE OF INFORMATION

I _____ hereby authorize the committees of the State Bar of Arizona, all bar associations, references, employers, credit reporting agencies, business and professional associations, and all government agencies to release to the Commission any information requested by the Commission in connection with the processing of my request for consideration as a candidate for judicial office. I understand that the fact that I have applied and all responses provided in Part I of the application are not confidential and the information provided may be verified and is subject to public disclosure.

Upon submission of this application to the Commission, i expressly consent to the release of my name and the contents of Part I of this application to the public. Furthermore, I waive the benefits of any statute, rule, or regulation prescribing confidentiality of records or information that is disclosed in Part I. If the commission nominates me for a judicial appointment, I authorize the release of the information contained in my entire application file to the Governor of the State of Arizona.

All of the statements made in this application are true and correct to the best of my knowledge, and submission expresses my willingness to accept appointment to the judicial position for which I have applied, should I be selected by the Governor of the State of Arizona.

~~The undersigned hereby authorizes the committees of the State Bar of Arizona, all Bar Associations, references, employers, credit reporting agencies, business and professional associates, and all government agencies to release to the Commission any information requested by said Commission in connection with the processing of my request for consideration as a judicial candidate. I understand the fact I have applied is not confidential and the information provided may be verified.~~

~~All of the statements made in this application are true and correct to the best of my knowledge, and submission of this application expresses my willingness to accept appointment to the judicial position applied for in this application if tendered by the Governor.~~

(Signature)

(Date)

AUTHORIZATION FOR BACKGROUND CHECKS

~~Credit, criminal and disciplinary records of applicants will be checked.~~

~~By submission of this application, applicant hereby authorizes the Judicial Nominating Commission, upon request of the Chief Justice of the Arizona Supreme Court, or his/her designee, to conduct credit, criminal background and disciplinary records investigations as part of the application process for judicial appointment.~~

~~Name:~~

~~Home Address:~~

~~E-mail Address:~~

~~Office Telephone:~~

~~Home Telephone:~~

~~FAX Number:~~

~~Date of Birth:~~

~~Place of Birth:~~

~~Social Security Number:~~

~~State Bar Number:~~

Signed this _____ day of _____, 20____.

(Signature)