

Arizona Supreme Court

Rule 28 Petition

R-24-0045

RULES 81 AND 2.10, RULES OF THE SUPREME COURT

Appellate Case Information

Case Filed: 17-Apr-2024

Case Closed:

Dept/Composition

Side 1. RULES 81 AND 2.10, RULES OF THE SUPREME COURT, Other

(Litigant Group) PETITIONER: DAVID K. BYERS

- David K Byers, Administrative Office of the Courts, Petitioner

CASE STATUS

Aug 22, 2024....Continued

Apr 17, 2024.....Pending

4 PROCEEDING ENTRIES

- 1. 17-Apr-2024 FILED: Petition to Amend Rule 81, Rules of the Arizona Supreme Court, Code of Judicial Conduct, Terminology and Rule 2.10 (Expedited Consideration and Emergency Adoption Requested) (Petitioner, David K. Byers, Administrative Office of the Courts, Administrative Director)
2. 17-Apr-2024 On April 17, 2024, David K. Byers, Administrative Director of the Administrative Office of the Courts ("AOC"), filed a rule petition on AOC's behalf to amend the Terminology Section and Rule 2.10 of the Arizona Code of Judicial Conduct (Rule 81 of the Rules of the Supreme Court of Arizona). The proposed amendments would permit a presiding judge to publicly comment on another judge's performance regarding calendar and caseload management.

Petitioner further requests that the petition be given expedited consideration under Rule 28(h)(1), Rules of the Supreme Court of Arizona, and be considered during the Court's August 2024 Rules Agenda. He also requests that the amendments be adopted on an emergency basis under Rule 28(h)(2) of the same rules. He further proposes that the Court open the petition for public comment for a limited time period before considering whether to adopt the amendments on an emergency basis and, if it does, reopen the comment period before considering whether to adopt the amendments on a permanent basis.

Upon consideration, IT IS ORDERED granting the request to consider this petition on an expedited basis.

IT IS FURTHER ORDERED that the Court will consider the petition during its August 2024 Rules Agenda and decide whether to adopt the proposed amendments on an emergency basis. If it does, the Court will reopen the public comment period and consider whether to adopt the rule amendments on a permanent basis during its December 2024 Rules Agenda.

IT IS FURTHER ORDERED that this petition is opened for public comment under Rule 28(c), Rules of the Supreme Court of Arizona, with all comments due no later than May 31, 2024, and any reply due no later than June 17, 2024.

The petition may be viewed by going to: http://www.azcourts.gov/Rules-Forum. This opens the "Welcome" page. Petitions are posted under the appropriate body of rules (such as the "Rules of the Supreme Court"), which can be found by scrolling down the page.

For instructions on how to post comments electronically, click on https://www.azcourts.gov/rules/Forum-FAQ at the top of the "Forum FAQ" page and then "How do I file a comment on a Rule 28 petition?"

Alternatively, commenters may submit comments by filing an original and one paper copy of the comment and one electronic copy of the written comments and supporting documents in Microsoft Word format on a CD or other compatible electronic medium with the Clerk of the Supreme Court, 1501 West Washington St., Room 402, Phoenix, AZ 85007 in an envelope marked "Rule Comment."

Any person filing a comment must send a copy of the comment to the Petitioner electronically or by ordinary mail. (Hon. Robert Brutinel)

- 3. 20-Aug-2024 WOULD AMEND RULE 2.10 OF THE ARIZONA CODE OF JUDICIAL CONDUCT (RULE 81 OF THE RULES OF THE SUPREME COURT OF ARIZONA) TO PERMIT A PRESIDING JUDGE TO PUBLICLY COMMENT ON ANOTHER JUDGE'S CALENDAR AND CASELOAD MANAGEMENT
ORDERED: Petition to Amend Rule 81, Rules of the Arizona Supreme Court, Code of Judicial Conduct, Terminology and Rule 2.10 = ADOPTED on an emergency basis, effective immediately.
FURTHER ORDERED: The Court will decide whether to adopt the rule amendment on a permanent basis during its December 2024 Rules Agenda.

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4 PROCEEDING ENTRIES

4. 22-Aug-2024 On April 17, 2024, David K. Byers, Administrative Director of the Administrative Office of the Courts ("AOC"), filed a rule petition on AOC's behalf to amend the Terminology Section and Rule 2.10 of the Arizona Code of Judicial Conduct, which is part of Rule 81 of the Rules of the Supreme Court of Arizona. Having considered the petition and no comments having been received, upon consideration,

IT IS ORDERED that pursuant to Rule 28(h)(2) of the Rules of the Supreme Court of Arizona, Rule 2.10 of the Arizona Code of Judicial Conduct, Rule 81 of the Rules of the Supreme Court of Arizona, is amended on an emergency basis in accordance with the attachment to this order, effective immediately.

IT IS FURTHER ORDERED that, consistent with the Court's April 17, 2024 order, the Court will consider whether to adopt the rule amendments on a permanent basis during its December 2024 Rules Agenda.

IT IS FURTHER ORDERED that this matter is reopened for public comment as to whether these amendments should be adopted permanently, with comments due no later than October 1, 2024 and any reply due no later than October 14, 2024.

The petition may be viewed by going to: <http://www.azcourts.gov/Rules-Forum>. This opens the "Welcome" page. Petitions are posted under the appropriate body of rules (such as the "Rules of the Supreme Court"), which can be found by scrolling down the page.

For instructions on how to post comments electronically, click on <https://www.azcourts.gov/rules/Forum-FAQ> at the top of the "Forum FAQ" page and then "How do I file a comment on a Rule 28 petition?"

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Any person filing a comment must send a copy of the comment to the Petitioner electronically or by ordinary mail. (Hon. Ann A. Scott Timmer)