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REBECCA PADILLA
CLERK OF THE SUPERIOR COURT

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA§

IN AND FOR THE COUNTY OF PINAL

AC

IN THE MATTER OF: RULES AND)
PROCEDURES FOR THE COMMISSIONER)
NOMINATING COMMITTEE FOR PINAL)
COUNTY SUPERIOR COURT)
_____)

ADMINISTRATIVE ORDER

AO

No. 2021 - 00060

WHEREAS, the Presiding Judge of the Superior Court of Arizona in and for Pinal County is the Chief Judicial Executive Officer of the County and has administrative supervision over all courts in Pinal County pursuant to Article VI of the Arizona Constitution and Arizona Supreme Court Administrative Order No. 2017-79; and

In an effort to adopt a defined process for selecting full-time Commissioners of the Superior Court of Pinal County, and in compliance with Arizona Code of Judicial Administration Section 1-305;

IT IS ORDERED that the attached Rules and Procedures for the Commissioner Nominating Committee are hereby adopted.

Dated this 8th day of October, 2021.



Honorable Joseph R. Georgini
Presiding Judge

- Original: Filed with the Clerk
- Copies To: Superior Court Judges
- Clerk of the Court, Rebecca Padilla
- Todd D. Zweig, Superior Court Administrator
- Public Defender, Kate Miliewski
- County Attorney, Kent Volkmer
- Public Defense Services, Cathryn Whalen

Rules and Procedures - Commissioner Nominating Committee Superior Court in Pinal County

RULE 1. PURPOSE

The goal of the judicial nomination process is to select judges pro tem and commissioners who have demonstrated a high degree of professional competence, who are highly respected by their peers, who are sensitive to the needs of and held in high regard by the communities they serve, who bring a diversity of background and experience to the bench, and, to the extent possible, who reflect the ethnic, racial and gender diversity of those communities. However, the primary consideration shall be merit.

RULE 2. COMMITTEE CHAIR AND MEMBERSHIP

a. The Associate Presiding Judge shall be chair of the Judicial Selection Committee and shall preside at all meetings of the Committee. In the event the Associate Presiding Judge is unavailable to serve, the Presiding Judge may designate another chairperson. The chair may appoint a vice-chair who shall be responsible for calling meetings and managing the business of the Committee in the absence of the chair. To the extent deemed necessary, the chair may enlist the assistance of the Human Resources Division of the Superior Court to assist in any of the Committee's work.

b. The Committee shall consist of not less than five (5) members including the chair. The members will be selected by a method approved by the Presiding Judge upon a vacancy occurring for a position as commissioner or judge pro tem in the Superior Court. The members will include (if available) six Divisional Judges, one Commissioner and two Justice Court Judges. All must be residents of the county and to the extent possible, reflect the racial, ethnic, gender and political diversity of the communities served by the Superior Court in Pinal County.

c. Committee members shall be informed of their duties and responsibilities.

RULE 3. COMMITTEE MEMBER IMPARTIALITY

a. Committee members shall consider each applicant for a judicial office in an impartial, objective manner.

b. Committee members shall disclose to the Committee any relationship with an applicant (business, personal, attorney-client) or any other possible cause for conflict of interest, bias or prejudice. A Committee member is disqualified from voting on the application of a family member within the third degree of consanguinity or a present co-worker in the same company or firm as the Committee member. A Committee member shall disqualify himself or herself from voting on an application if voting on that application would present a conflict of interest.¹ At the commencement of any Committee meeting where qualifications of any applicant are to be considered, the Chair shall inquire as to any basis of disqualification or disclosure pursuant to this rule.

c. A Committee member shall not be influenced other than by facts or opinion, which are relevant to the judicial qualifications of the applicants. A Committee member shall promptly report to the Chair any such attempt by any person or organization to influence the Committee member other than by fact or opinion.

¹ The areas of conflicting interest listed in Section 3. b., and the relations in those areas which may give rise to conflict are not exhaustive. Conflicts might arise in other areas or through other relations. Any conflicts of interest, or perceived conflicts, must be disclosed, in writing, to the Committee Chair as soon as possible but at a minimum prior to the commencement of the meeting to review applications. The Chair will bring it to the attention of the Presiding Judge.

d. A Committee member shall not individually communicate verbally or in writing with an applicant, from the time the application is submitted until the Committee conducts its final vote on the nominations and is dismissed, about the application, the contents of the application, the judicial position, the Commission, the nomination process or any other matters related to the judicial vacancy which is the subject matter of the application. (See exception in Rule 9(c))

RULE 4. COMMITTEE MEETINGS

a. Meetings of the Committee may be called by the Chair by notice to the other members specifying the time and place of meeting. Such notice shall be given at least seven (7) days before the time specified, unless the Chair determines that it is essential to hold an emergency meeting with less than seven days notice. The Committee may meet by electronic media concerning any matters.

b. A quorum for a Committee meeting shall be a majority plus one of the Committee members.

RULE 5. RECRUITMENT OF APPLICANTS

a. A Committee member shall under no circumstances commit in advance to vote for any applicant.

b. The Superior Court Human Resources Department shall ensure that notice and outreach for the position is extensive including wide public notice designed to encourage all those interested to submit an application. When feasible, such notice shall be given thirty (30) days or more before the deadline for applications, and it shall state how the application is to be obtained.

RULE 6. APPLICATION

a. Every applicant shall complete and file with Court Administration an original and at least ten (10) copies of the "Application for Nomination to Judicial Office," as specified in the public announcement of judicial vacancy.

b. The applications of all unsuccessful applicants shall be destroyed or returned to the applicant after the selection process is completed².

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

d. Applications and materials received regarding an applicant shall remain confidential throughout the nomination and appointment process for use only in accordance with these rules.

RULE 7. SCREENING OF APPLICATIONS AND SELECTION OF INTERVIEWEES

As soon as the application deadline has closed, copies of all applications received shall be provided to each committee member for review. The Chair shall schedule a screening meeting of the Committee no sooner than seven days after the close of the application period to review the background and qualifications of the applicants.

² Applications will remain on file and available for additional Committee review and/or referrals to the Presiding Judge for up to six (6) months from the posted closing date of the recruitment.

Screening Meeting

1. **General:** The Committee shall meet for the purpose of deciding which applicants are to be interviewed. The Committee shall discuss and evaluate the qualifications of each applicant. Each Committee member shall disclose any information outside of the application relied upon by that member in evaluating an applicant. If confidentiality has been promised to a source³, Committee members shall consider whether less weight should be given to the information.
2. **Opinion Comments:** Opinion comments relied upon by a Committee member may be disclosed to the Committee and considered in evaluating an applicant if they are supported by a factual basis or circumstance, which is also disclosed to the Committee.
3. **Anonymous⁴ Comments:** No information from an anonymous source shall be considered by any Committee member or shared with any other Committee member or the Committee at any point in the screening process.
4. **Selection of Applicants for Interviews:** Each Committee member shall have five ballots to cast⁵ in secret as to which applicants should be interviewed. Members may not cast more than one vote for any one applicant. The Committee shall decide the number of applicants to be interviewed, and that number of applicants who have received the highest number of votes cast shall be placed on the list of applicants to be interviewed.

RULE 8. INTERVIEWS OF APPLICANTS AND SELECTION OF NOMINEES

- a. **Public Notice and Comment:** Names of applicants selected for interview and the date, place and time of the Committee meeting to interview applicants shall be disseminated to the public. The public, the judiciary and bar associations shall be invited to provide comments regarding these applicants. Comments about applicants should be made, if feasible, at least three working days before the interview meeting as follows: (1) in writing to the Committee for distribution to the Committee, or (2) verbally to Committee member(s).
- b. **Investigation of Applicants Selected for Interviews:** Committee members may further evaluate selected applicants by contacting as many individuals, community groups and other sources as deemed reasonable to obtain information on the applicants' life experiences, community activities and background. Committee members shall encourage sources to allow their names to be disclosed to the Committee and to the applicant, but may accept comments about an applicant from a source that requests confidentiality as to the Committee and/or as to the applicant.

When a comment given to a committee member concerning an applicant contains an opinion as to the applicant's character, fitness or competency, the Committee member shall inquire as to the factual basis, circumstances and examples that support the opinion and as to names of others whom the source of the opinion believes might have knowledge about the opinion.

- c. **Communication with Applicants:** Nothing in this rule prohibits the Chair of the Committee from contacting an applicant if he or she determines that it is in the best interests of the public, the Committee, and

³ Confidentiality promised to a source in this section refers to the nondisclosure of the name/parties providing the comment. In these cases the reliability of the source as well as the reasons for requesting confidentiality shall be considered if this information is given any considerable weight at this point in the screening process.

⁴ Anonymous in this section means that no member of the Judicial Selection Committee is aware of the source/person(s) disclosing the comment.

⁵ Committee members are not required to cast all five ballots, but should cast no more than five in totality. More than five applicants may be interviewed at the discretion of the Chair and based upon the number of votes and number of existing vacancies.

the applicant, to make such contact.

Interview Meeting

1. **General**: The Committee shall meet for the purpose of interviewing selected applicants in order to compile a list of nominees to be forwarded to the Presiding Judge. The Committee shall schedule sufficient time prior to the interview of each applicant to discuss the results of Committee members' investigation and to determine whether any matters that were disclosed in the course of the investigation should be discussed with the applicant at the interview.
2. **Opinion comments**: Opinions that are not supported with factual basis, or circumstances, or a second source shall not be disclosed at the Committee meeting. Opinions that are supported with factual basis or circumstances or a second source may be shared with the Committee at the meeting provided that the supporting information is also disclosed.
3. **Anonymous⁶ comments**: No information from an anonymous source shall be considered by any Committee member or shared with other Committee members or the Committee at the interview meeting.
4. **Conduct of Interviews**: The Committee shall interview selected applicants. Committee members will endeavor to treat all candidates in a uniform manner by, for instance, asking the same core questions of each. Individualized questions and discussions are expected in order to develop information relative to the specific background of the individual candidate. A Committee member may question an applicant about comments made about the applicant for which confidentiality has been requested so long as the source of comment is not identified.
5. **Deliberations of the Committee**: The Committee shall hold an open and frank discussion regarding the qualifications of applicants interviewed. The Chair shall read the names of the applicants in alphabetical order and open the meeting to a discussion of each specific applicant's qualifications for judicial office. After this procedure has been followed for all the applicants, the Chair shall open the meeting to a general discussion of the relative qualifications of all the applicants. To encourage frank discussion, the substance of deliberations in executive session shall not be disclosed.
6. **Selection of Nominees for Submission to the Presiding Judge**: The Chair shall conduct a vote by Committee members as to which applicants interviewed should be nominated for referral to the Presiding Judge for appointment. Each applicant who receives a vote of the majority of Committee members present and voting shall be listed for consideration for referral to the Presiding Judge. Such list is only tentative and names may be added to or subtracted from it at any time by further majority vote of the Committee. The Committee shall nominate three applicants for consideration to the Presiding Judge. This number may change if more than one position is vacant.
7. **Communication after Interview Meetings**: The Chair, or designee, shall notify those applicants not submitted as nominees to the Presiding Judge⁷. If a Committee member receives new written information about a nominee submitted to the Presiding Judge after the interview meeting has adjourned, the Committee member shall forward the information to the Chair of the Committee and the Chair shall forward the information to the Presiding Judge, with a cover memorandum explaining that the information was not submitted in time for consideration by the Committee and the nominee had neither been questioned about nor responded to the

⁶ Anonymous in this section means that no member of the Judicial Selection Committee is aware of the source/person(s) disclosing the comment.

⁷ Applications will remain on file and available for additional Committee review and/or referrals to the Presiding Judge for up to six (6) months from the posted closing date of the recruitment.

information. If the information is verbal, the Committee member shall advise the source about his or her right to contact the Presiding Judge.

RULE 9. TRANSMITTAL TO THE PRESIDING JUDGE

The Chair shall deliver the names of the nominees, listed in alphabetical order, to the Presiding Judge. The Chair shall thereafter promptly inform the public of the names of the nominees.

In order to facilitate the Presiding Judge's selection of the appointee, the Committee file concerning each nominee shall be provided to the Presiding Judge along with the nominee list.

Following selection by the Presiding Judge, unsuccessful nominees may be placed on a hiring register. The register will be active for six (6) months.