

IN THE SUPERIOR COURT OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

IN THE MATTER OF POLICY FOR
PERSONAL LITIGATION AND FORMAL
STATE BAR DISCIPLINARY
PROCEEDINGS INVOLVING JUDGES
PRO TEMPORE

)
) AMENDED
) ADMINISTRATIVE ORDER
) No. 2009 - 028
)

Pro tempore judges are required pursuant to Arizona Rules of the Supreme Court, Rule 81, to comply with specified provisions of the Arizona Code of Judicial Conduct. Accordingly, pro tempore judges are required to “diligently discharge the judge’s administrative responsibilities without bias or prejudice and maintain professional competence in judicial administration, and should cooperate with other judges and court officials in the administration of court business.” Canon 3(C)(1)(a). Pursuant to these ethical constraints, the Court adopts the following policy for pro tempore judges:

1. Pro tempore judges shall notify the Presiding Judge, in writing, of any personal litigation filed by or against themselves, their immediate family or a controlled business and any case which they are served with a subpoena, are a witness or a victim, or are involved in any capacity in the Superior Court in Maricopa County.
2. Notice shall be made as soon as possible but no later than 72 hours after knowledge of the litigation. Notice shall state the case name, case number (if available), and a brief statement of the nature of the proceeding.
3. Upon receipt of the notice, any pro tempore judge involved in a contested case or proceeding in the Superior Court in Maricopa County as a party, witness, or victim may be removed from the Judge Pro Tempore Program or may be restricted from receiving certain types of cases to avoid a potential conflict of interest. If a pro tempore judge is removed from the program, the Court may re-appoint the pro tempore judge after the contested case or proceeding has resolved. It is the responsibility of the pro tempore judge to notify the Presiding Judge of any outcome or resolution of the contested case or proceeding.
4. In uncontested cases and proceedings, the Court will determine whether the pro tempore judge can continue serving as a pro tempore judge during the pendency of the uncontested case or proceeding.

5. Pro tempore judges shall notify the Presiding Judge, in writing, of any formal proceeding instituted against them by the State Bar of Arizona.
6. Notice shall be made as soon as possible but no later than 72 hours after service and filing of the complaint with the disciplinary clerk. Notice shall include the disciplinary case number, if available, the date the complaint was filed, and a brief summary of the allegations in the complaint.
7. Upon receipt of the notice, the court will determine whether the pro tempore judge can continue serving as a pro tempore judge during the pendency of the formal proceeding.

The following definitions apply to the above policy:

- “Contested case or proceeding” includes an adversarial case or proceeding in which the parties cannot agree on at least one issue.
- “Controlled business” means a company, a majority of whose voting stock is held by the employee.
- “Formal proceedings” begin with a complaint is filed by counsel for the State Bar of Arizona with the disciplinary clerk and the clerk assigns the matter to a hearing officer.
- “Personal litigation” includes any civil, criminal, family court, juvenile, tax, or probate matters, whether contested or uncontested, that have been filed in the Superior Court in Maricopa County.
- “Relative” means an immediate family member. This includes a spouse, child, grandchild, parent, grandparent or other person with whom the employee maintains a close familial relationship, including any person residing in the employee’s household.

Dated this 25th day of August, 2009

Barbara Rodriguez Mundell
Presiding Judge

Original: Clerk of the Court

Copies: Hon. Norman J. Davis, Associate Presiding Judge
and Chair of the Judge Pro Tempore Committee
All Superior Court Judges and Commissioners
Hon. John Ore, Presiding Justice of the Peace
Marcus Reinkensmeyer, Judicial Branch Administrator
Phil Knox, General Jurisdiction Court Administrator
Karen Westover, Deputy Court Administrator