




2024 Gavel Watch Report Card for Arizona



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<p>LEGEND: Judicial Performance Report score is an average of the top 3 performance standards only: “Superior,” “Very Good,” and “Satisfactory.” For some reason, the average does not include the ratings for “Poor” and “Unacceptable.”</p> <ul style="list-style-type: none"> • Legal Ability: Decides cases based on applicable law, demonstrating competent legal analysis. • Integrity: Free from personal bias. Administers justice fairly, ethically, and uniformly. • Communication Skills: Issues prompt and understandable rulings and directions. • Judicial Temperament: Dignified, courteous, and patient • Administrative Performance: Manages courtroom and office effectively. Issues rulings promptly and efficiently. <p>Surveys for Superior Court Judges include responses from Attorneys, Litigants, Witnesses, Pro Per (litigants who represent themselves), jurors, and peer judges.</p>	

Research Methodology

The authors and researchers of Gavel Watch are not attorneys and have not participated in any cases as plaintiffs or defendants before the listed judges, nor are we participants in any part of the judicial system except as observers.

We researched all the judges up for retention in 2024 using the following publicly available tools: [Judicial Performance Reports](#), [The Robing Room](#), [DM Cantor](#), websites for the various courts, financial statements submitted to the AZ Secretary of State, Google searching, news articles too numerous to mention, Twitter, Facebook, LinkedIn, and The Federalist Society. Recommendations to Retain (YES) or Not Retain (**NO**) are based on evaluations of all reports combined, with less weight given to often fervent opinions expressed by winners and losers of court cases. If no concerning records came to light on performance issues, or on decisions or actions that seemed to be informed by an overt bias, we recommended a "YES." A "Yes" recommendation does not mean that no disqualifying information exists, but simply that we did not find any that rose to the level of strong concern.

We dug into the details of the [Judicial Performance Reports](#) to determine areas of concern. We looked at the combined "Poor" and "Unacceptable" ratings, and decided that a total bottom-two score of 20% or higher in two or more general categories was the threshold for expressing reservations. We remain strongly concerned about the low number of surveys returned on which the ratings of the Judicial Performance Review were based, which make a statistical analysis unreliable. **For this reason, we do not feel that the JPR scores alone are sufficient for making ballot recommendations.**

The Commission on Judicial Performance Review adopted a different procedure this year from years past: no split votes were reported, and judges received only unanimous votes as "Meets" or "Does Not Meet" judicial standards.

Besides the JPR scores, the most important criterion we used to make recommendations is evidence of a biased or overt ideological perspective brought to judicial decisions. Full disclosure: our view is nonpartisan but not neutral. Civic Engagement Beyond Voting is an Indivisible group, with a progressive perspective on governing, judicial standards, citizens' rights, criminal justice, and rehabilitation. See an explanation of our concerns about any Federalist Society affiliation at the end of this document.

✗ Proposition 137 on the Arizona Ballot: VOTE NO

Prop 137 asks voters to amend the Constitution to eliminate [the current retention process for judges](#) in Arizona's 4 most populous counties, along with all appellate and Supreme Court judges. Lawmakers want us to allow these judges to serve until the mandatory retirement age of 70, instead of facing public retention elections every 4-6 years. Retention questions would go to voters only in the most limited cases, such as if a judge is convicted of a felony. This ends a critical part of the process that former US Supreme Court [justice Sandra Day O'Connor championed](#) during her service in the Arizona Senate in the 1970s and actively promoted throughout her life.

Written retroactively. If voters pass Prop 137, the entire judicial retention slate for November would be thrown out, and all the judges would stay in office — even if voters chose not to retain them.

Shields judges from public accountability. We already know what an unaccountable judiciary looks like: the US Supreme Court. In April, our state Supreme Court ruled to [uphold the 1864 near-total abortion ban](#). Two of the justices who voted to do so, [Clint Bolick and Kathryn King](#), are up for retention this November. If voters approve Prop 137, our votes on whether to retain them would be disregarded. This seeks to insulate judges from meaningful public oversight and shields them from potential consequences for their legal interpretations.

Courts are already heavily politicized. Former Gov. Doug Ducey politicized the Arizona Supreme Court by getting the Republican-controlled Legislature to increase the number of justices from five to seven — [against all five sitting justices' wishes](#) — and then [packed it with his political cronies](#). The move was part of a broader, decades-long [effort by conservatives to reshape the judiciary](#) to counteract national sentiment. Ducey was explicit about the role conservatives should play in the courts: at a Federalist Society event in 2019, [Ducey said he told co-chair Leonard Leo](#) that “the Federalist Society has now fixed the judicial branch.”

Gives politicians more power. Prop 137 also would, for the first time ever, inject the Legislature into the process of reviewing judicial performance. It would put two legislators on the panel — selected by the majority party — as well as allow lawmakers to force the commission to look into their complaints.

Arizona Supreme Court

Judge Name	Appointed By	Appointed When	Retained	Judicial Performance Reports	RETAIN (YES) or DO NOT RETAIN (NO)
Hon. Clint Bolick	Ducey	2016	2018	Legal Ability - 98 Integrity - 99 Comm - 99 Temp - 98 Admin -97	NO

Rationale: Gov. Ducey appointed Justice Bolick to the AZ Supreme Court in 2016. Bolick had no prior judicial experience but plenty of ideological benefits for the libertarian, deregulatory, socially conservative and pro-school-voucher agenda. Close friends with Supreme Court Justice Clarence Thomas since their days at the Equal Employment Opportunity Council (EEOC) in the 1980s, Bolick has for decades espoused Federalist Society doctrines of school “choice,” private property rights, unfettered “free markets,” and termination of affirmative action and social justice programs. He founded the Landmark Legal Foundation in 1989 to fight regulations he deemed restrictive, and in 1991 co-founded the ideologically biased [Institute for Justice](#) with an investment from Charles Koch. In 2004, Bolick joined the [Alliance for School Choice](#), now American Federation for Children Growth Fund, as its first president. In 2007, he became the Vice President for Litigation at the libertarian [Goldwater Institute](#). He has also been active in the American Legislative Exchange Council (ALEC), which pushes copycat pro-corporation legislation in state legislatures around the country. In 2019 Justice Bolick joined the 4-3 majority in favor of *Brush & Nib vs. Phoenix*, a case that allowed a design studio to discriminate against LGBTQ+ clients on the basis of religious beliefs. In May 2024 he also ruled that Arizona’s 1864 territorial-era abortion ban was in force instead of a 2022 law allowing abortions up to 15 weeks. Bolick is married to Shawna Bolick, an appointed Republican state Senator in AZ Legislative District 2.

Hon. Kathryn H. King	Ducey	2021		Legal Ability - 94 Integrity - 90 Comm - 96 Temp - 96 Admin - 94	NO
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Rationale: Justice King is a member of [The Federalist Society](#), which promotes appointment of conservative & libertarian judges in order to influence the direction of courts nationwide. In May 2024 Justice King voted with the majority to reinstate Arizona’s 1864 territorial ban on abortions, and also voted to retain the ideologically loaded wording “unborn human being” instead of the medically accurate term “fetus” in the 2024 ballot pamphlet description. In 2024 she attended a conference at the Georgetown Center for the Constitution, which focuses on constitutional originalism, one of the guises used to justify some ultra-conservative and deregulatory decisions. Prior to her appointment to the highest court in Arizona, King was Gov. Ducey’s Deputy General Counsel.

Maricopa County Superior Court					
Judge Name	Appointed By	Appointed When	Retained	Judicial Performance Reports	RETAIN (YES) or DO NOT RETAIN (NO)
Hon. Jay R. Adleman	Brewer	2013	2020, 2016	Legal Ability - 97 Integrity - 100 Comm - 99 Temp - 99 Admin - 100 Settlement - 100	YES
Hon. Sara Agne	Ducey	2018	2020	Legal Ability - 93 Integrity - 99 Comm - 97 Temp - 98 Admin - 98 Settlement - 90	YES
Hon. Glenn A. Allen	Ducey	2021		Legal Ability - 95 Integrity - 92 Comm - 89 Temp - 88 Admin - 93 Settlement - 94	YES
Hon. Stasy D. Avelar	Ducey	2021		Legal Ability - 97 Integrity - 88 Comm - 87 Temp - 81 Admin - 90 Settlement - 94	YES with Reservations
<p>Rationale: Concerns are based on <u>Litigant/Witness/Pro Per</u> (Pro Per means self-represented litigant) scores, which reflected issues across the board: Integrity 22% unacceptable; Communication 24% unacceptable; Temperament 30% unacceptable; Administrative 20% unacceptable [Based on 58 surveys]</p>					
Hon. Justin Beresky	Ducey	2018	2020	Legal Ability - 93 Integrity - 97 Comm - 95 Temp - 94 Admin - 98 Settlement - 92	YES

Maricopa County Superior Court

Judge Name	Appointed By	Appointed When	Retained	Judicial Performance Reports	RETAIN (YES) or DO NOT RETAIN (NO)
Hon. Scott A. Blaney	Ducey	2018	2020	Legal Ability - 97 Integrity - 96 Comm - 95 Temp - 95 Admin - 97 Settlement - 93	YES with Reservations
<p>Rationale: In June 2024 Blaney ruled against Gov. Hobbs in a case against her avoidance of AZ Senate confirmation of agency heads, finding that Hobbs “improperly, unilaterally appointed de facto directors ... (and) took a series of actions that, when viewed in isolation, arguably complied with certain applicable statutes, but took those actions for an improper purpose, culminating in an improper result – one that violates Arizona law.” He concluded the indefinite tenure without Senate consent is a direct violation of a provision of state law barring a nominee to serve longer than one year without consent from the Senate and, though, each step may have been compliant with state statutes, “the argument improperly elevates form over substance.” In 2012, as a JAG Officer, Blaney disregarded complaints by a National Guard whistleblower that a group of NG enlistees were conducting "bum hunts," shooting paintballs at homeless people, baring breasts, shouting and harassing them from official vehicles. Scott accused the whistleblower of improperly guarding his personnel records, and found no record of misconduct. Subsequently, numerous recruiters were dismissed or demoted based on the whistleblower's accounts & investigations.</p>					
Hon. Lori H. Bustamante	Brewer	2014	2016, 2020	Legal Ability - 94 Integrity - 99 Comm - 96 Temp - 96 Admin Perf- 99 Admin Skills- 100 Settlement - 100	YES
Hon. Rodrick J. Coffey	Brewer	2013	2016, 2020	Legal Ability - 96 Integrity - 95 Comm - 93 Temp - 95 Admin - 96 Settlement - 95	YES
Hon. Suzanne E. Cohen	Brewer	2012	2016, 2020	Legal Ability - 99 Integrity - 98 Comm - 97 Temp - 96 Admin - 98 Settlement - 100	YES

Maricopa County Superior Court					
Judge Name	Appointed By	Appointed When	Retained	Judicial Performance Reports	RETAIN (YES) or DO NOT RETAIN (NO)
Hon. Christopher A. Coury	Brewer	2010	2020	Legal Ability - 96 Integrity - 90 Comm - 89 Temp - 85 Admin - 93 Settlement - 92	NO
<p>Rationale: The JPR scores are gravely concerning with regard to the responses of <u>litigants/witnesses/pro per</u> litigants. The combined “Poor” + “Unacceptable” scores for Integrity were 28%; Communication 24%. Temperament 32%; Judge Coury ruled against the Invest in Ed initiative in July 2020 with a disdainful, contemptuous, and unprofessional decision: “Instead of identifying all principal provisions in the Initiative’s description, Defendant Invest in Education circulated an opaque ‘Trojan horse’ of a 100-word description, concealing principal provisions of the Initiative from voters. Unfortunately for the union, this Trojan horse ran afoul of existing legal standards....” As the appellate decision overturning Coury’s decision noted, the decision included conditions for the initiative’s 100-word statement that were clearly unachievable. We believe that the judge’s sneering comments in the decision and in court are unacceptable in our justice system. Coury’s decision was overturned by the AZ Supreme Court, and a ruling fully rejecting Coury’s reasoning was issued on 10-26-20. Full decision here. Coury presided over some of the Cyber Ninjas activities during the 2020 election circus, demanding the AZ Democratic Party post an unreasonable \$1M bond while some actions were resolved.</p>					
Hon. Quintin Cushner	Ducey	2021		Legal Ability - 93 Integrity - 97 Comm - 91 Temp - 96 Admin - 96 Settlement - 88	YES
Hon. Jim Drake	Ducey	2021		Legal Ability - 93 Integrity - 92 Comm - 86 Temp - 89 Admin - 94 Settlement - 100	YES
Hon. Adam D. Driggs	Ducey	2017	2020	Legal Ability - 93 Integrity - 98 Comm - 93 Temp - 97 Admin - 95 Settlement - 95	YES

Maricopa County Superior Court

Judge Name	Appointed By	Appointed When	Retained	Judicial Performance Reports	RETAIN (YES) or DO NOT RETAIN (NO)
Hon. Ronda R. Fisk	Ducey	2017	2020	Legal Ability - 100 Integrity - 93 Comm - 92 Temp - 90 Admin - 95 Settlement - 97	YES
Hon. David W. Garbarino	Ducey	2021		Legal Ability - 90 Integrity - 95 Comm - 92 Temp - 94 Admin - 95 Settlement - 79	YES with Reservations
Rationale: Concerns are based on <u>Litigant/Witness/Pro Per</u> scores, which reflected issues across the board: combined “Poor” + “Unacceptable” scores: Integrity 26%; Communication 25%; Temperament 20%; Admin 22%.					
Hon. Pamela Gates	Brewer	2009	2012, 2016, 2020	Legal Ability - 98 Integrity - 99 Comm - 98 Temp - 98 Admin - 99 Settlement - 100	YES
Hon. Michael D. Gordon	Napolitano	2005	2012, 2016, 2020	Legal Ability - 97 Integrity - 99 Comm - 98 Temp - 98 Admin - 96 Settlement - 100	YES
Hon. John R. Hannah Jr.	Napolitano	2005	2012, 2016, 2020	Legal Ability - 93 Integrity - 97 Comm - 94 Temp - 93 Admin - 96 Settlement - 91	YES
Hon. Michael W. Kemp	Napolitano	2005	2016, 2020	Legal Ability - 93 Integrity - 98 Comm - 94 Temp - 97 Admin - 96 Settlement - 92	YES

Maricopa County Superior Court					
Judge Name	Appointed By	Appointed When	Retained	Judicial Performance Reports	RETAIN (YES) or DO NOT RETAIN (NO)
Hon. James Knapp	Ducey	2022		Legal Ability - 95 Integrity - 97 Comm - 98 Temp - 97 Admin - 99 Settlement - 90	YES
Hon. Margaret B. LaBianca	Ducey	2018	2020	Legal Ability - 94 Integrity - 96 Comm - 96 Temp - 95 Admin - 97 Settlement - 92	YES
Hon. Todd Lang	Ducey	2016	2020	Legal Ability - 99 Integrity - 98 Comm - 97 Temp - 96 Admin - 99 Settlement - 96	YES
Hon. Michael S. Mandell	Ducey	2017	2020	Legal Ability - 84 Integrity - 99 Comm - 94 Temp - 96 Admin - 94 Settlement - 72	YES with Reservations
Rationale: JPR scores were unusually low in ratings by fellow attorneys, especially combined “Poor” + “Unacceptable” score of 21% in Legal Ability. Communication (18%) and Admin (18%) are also concerning, as well as 28% for Settlement Activities.					
Hon. Suzanne S. Marwil	Ducey	2018	2020	Legal Ability - 90 Integrity - 94 Comm - 89 Temp - 89 Admin - 94 Settlement - 86	YES
Hon. M. Scott McCoy	Napolitano	2005	2020	Legal Ability - 93 Integrity - 99 Comm - 95 Temp - 97 Admin - 97 Settlement - 95	YES
Hon. David E. McDowell	Ducey	2007	2010, 2014, 2018	Legal Ability - 96 Integrity - 89 Comm - 85 Temp - 86 Admin - 93 Settlement - 89	YES

Maricopa County Superior Court					
Judge Name	Appointed By	Appointed When	Retained	Judicial Performance Reports	RETAIN (YES) or DO NOT RETAIN (NO)
Hon. Joseph P. Mikitish	Brewer	2013	2016, 2020	Legal Ability - 99 Integrity - 99 Comm - 98 Temp - 98 Admin - 97 Settlement - 100	YES with Reservations
Rationale: Mikitish is former president of St. Thomas More Society in Phoenix, which has a mission to marry religion and law.					
Hon. Keith J. Miller	Ducey	2020		Legal Ability - 90 Integrity - 88 Comm - 81 Temp - 84 Admin - 89 Settlement - 94	YES with Reservations
Rationale: Concerns are based on <u>Litigant/Witness/Pro Per</u> scores of combined “Poor” + “Unacceptable” for Communication (23%) and Temperament (20%), as well as a rating by <u>fellow attorneys</u> of 18% in communication. After receiving his JD, Miller served as Assistant Legal Counsel and Assistant Director of Career Services for Hillsdale College, a conservative Christian college in Michigan, where he counseled students regarding their career exploration process, coordinated pre-law and pre-professional programming, and trained students on vital career skills including personal branding and social media awareness. This affiliation with Hillsdale College, which avoids compliance with federal non-discrimination laws by accepting no federal funds, is problematic. Miller also worked within AG Brnovich’s Federalism Unit , which was formed to resist the Obama administration.					
Hon. Scott Minder	Ducey	2016	2020	Legal Ability - 92 Integrity - 99 Comm - 96 Temp - 95 Admin - 97 Settlement - 77	YES
Hon. David J. Palmer	Brewer	2009	2012, 2016, 2020	Legal Ability - 93 Integrity - 97 Comm - 95 Temp - 97 Admin - 96 Settlement - 91	YES

Maricopa County Superior Court					
Judge Name	Appointed By	Appointed When	Retained	Judicial Performance Reports	RETAIN (YES) or DO NOT RETAIN (NO)
Hon. Amanda M. Parker	Ducey	2022		Legal Ability - 94 Integrity - 100 Comm - 99 Temp - 98 Admin - 99 Settlement - 93	YES
Hon. Adele Ponce	Ducey	2018	2020	Legal Ability - 91 Integrity - 93 Comm - 89 Temp - 88 Admin - 91 Settlement - 89	YES
Hon. Andrew J. Russell	Ducey	2021		Legal Ability - 99 Integrity - 94 Comm - 95 Temp - 94 Admin - 94 Settlement - 100	YES
Hon. Timothy J. Ryan	Napolitano	2005	2008, 2012, 2016, 2020	Legal Ability - 95 Integrity - 97 Comm - 94 Temp - 93 Admin - 95 Settlement - 100	YES with Reservations
Rationale: Concerns are based on <u>Litigant/Witness/Pro Per</u> scores of combined “Poor” + “Unacceptable” for Integrity (21%), Temperament (36%)					
Hon. Patricia A. Starr	Brewer	2014	2016, 2020	Legal Ability - 99 Integrity - 98 Comm - 98 Temp - 98 Admin - 100 Settlement - 100	YES with Reservations
Rationale: In 2020 she appeared before the Federalist Society at an event sponsored by the Goldwater Institute to discuss the future of the Chevron Deference doctrine. The US Supreme Court overturned the decades-old precedent of giving deference to experts during the regulatory rule-making process, an action that aligns with Project 2025 .					

Maricopa County Superior Court

Judge Name	Appointed By	Appointed When	Retained	Judicial Performance Reports	RETAIN (YES) or DO NOT RETAIN (NO)
Hon. Peter A. Thompson	Brewer	2010	2012, 2016, 2020	Legal Ability - 97 Integrity - 99 Comm - 97 Temp - 99 Admin - 99 Settlement - 82	YES
Hon. Michael F. Valenzuela	Ducey	2022		Legal Ability - 94 Integrity - 90 Comm - 86 Temp - 87 Admin - 91 Settlement - 100	YES with Reservations
Rationale: Concerns are based on <u>Litigant/Witness/Pro Per</u> scores of combined “Poor” + “Unacceptable” for Integrity (20%), Communication (25%), and Temperament (25%)					
Hon. Lisa A. Vandenberg	Ducey	2018	2020	Legal Ability - 91 Integrity - 94 Comm - 91 Temp - 87 Admin - 95 Settlement - 92	YES
Hon. Ashley Villaverde Halvorson	Ducey	2021		Legal Ability - 89 Integrity - 94 Comm - 93 Temp - 94 Admin - 94 Settlement - 100	YES
Hon. Lisa S. Wahlin	Ducey	2021		Legal Ability - 87 Integrity - 88 Comm - 87 Temp - 85 Admin - 91 Settlement - 95	YES
Hon. Kevin Wein	Ducey	2018	2020	Legal Ability - 89 Integrity - 91 Comm - 89 Temp - 86 Admin - 93 Settlement - 83	YES
Hon. Christopher T. Whitten	Napolitano	2006	2012, 2016, 2020	Legal Ability - 100 Integrity - 98 Comm - 98 Temp - 98 Admin - 98 Settlement - 97	YES

Pima County Superior Court					
Judge Name	Appointed By	Appointed When	Retained	Judicial Performance Reports	RETAIN (YES) or DO NOT RETAIN (NO)
Hon. Lisa I. Abrams	Ducey	2021		Legal Ability - 95 Integrity - 93 Comm - 93 Temp - 92 Admin - 97 Settlement - 88	YES
Hon. Kyle A. Bryson	Brewer	2010	2020	Legal Ability - 100 Integrity - 100 Comm - 99 Temp - 100 Admin - 100 Settlement - 100	YES
Hon. Michael J. Butler	Brewer	2013	2020	Legal Ability - 96 Integrity - 98 Comm - 98 Temp - 98 Admin - 99 Settlement - 96	YES
Hon. Gary J. Cohen	Ducey	2021		Legal Ability - 98 Integrity - 99 Comm - 98 Temp - 96 Admin - 99 Settlement - 94	YES
Hon. Danielle J. K. Constant	Ducey	2022		Legal Ability - 84 Integrity - 94 Comm - 92 Temp - 90 Admin - 95 Settlement - 85	YES
Hon. Richard Gordon	Brewer	2009	2020	Legal Ability - 95 Integrity - 97 Comm - 96 Temp - 96 Admin - 96 Settlement - 97	YES
Hon. Brenden J. Griffin	Brewer	2013	2020	Legal Ability - 90 Integrity - 97 Comm - 97 Temp - 96 Admin - 98 Settlement - 94	YES
Hon. Kimberly A. Harris Ortiz	Ducey	2021		Legal Ability - 96 Integrity - 95 Comm - 98 Temp - 91 Admin - 97 Settlement - 100	YES

Pima County Superior Court					
Judge Name	Appointed By	Appointed When	Retained	Judicial Performance Reports	RETAIN (YES) or DO NOT RETAIN (NO)
Hon. Kellie L. Johnson	Ducey	2017	2020	Legal Ability - 90 Integrity - 97 Comm - 94 Temp - 96 Admin Perf - 97 Admin Skills - 100 Settlement - 88	NO
<p>Rationale: In Sept 2022, Judge Johnson ruled that the Civil War-era abortion law, which was updated and codified in 1901, superseded the 15-week ban passed by the AZ State Legislature earlier that year. One day before the 15-week ban was to go into effect, she seized the opportunity to lift a 1973 injunction on the 1901 law, citing the US Supreme Court's decision to reverse Roe vs. Wade. The 1864/1901 law was subsequently repealed by the AZ State Legislature, and the AZ Supreme Court has agreed to stay enforcement until the repeal goes into effect.</p>					
Hon. Kenneth Lee	Symington		2020	Legal Ability - 96 Integrity - 96 Comm - 94 Temp - 94 Admin Perf - 96 Admin Skills - 100 Settlement - 94	YES
Hon. Scott D. McDonald	Ducey	2018	2020	Legal Ability - 94 Integrity - 95 Comm - 94 Temp - 94 Admin - 98 Settlement - 100	YES with reservations
<p>Rationale: Moderated Federalist Society meeting of S Ariz Lawyers Chapter to discuss Demystifying the Judicial Selection & Appointment Process. Featured at Federalist Society Social Mixer with Justice Pelander, Aug 2018.</p>					

Hon. Casey McGinley	Ducey	2018	2020	Legal Ability - 96 Integrity - 97 Comm - 98 Temp - 97 Admin - 98 Settlement - 100	YES
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Pima County Superior Court					
Judge Name	Appointed By	Appointed When	Retained	Judicial Performance Reports	RETAIN (YES) or DO NOT RETAIN (NO)
Hon. D. Douglas Metcalf	Brewer	2013	2020	Legal Ability - 92 Integrity - 97 Comm - 97 Temp - 96 Admin - 96 Settlement - 100	YES
Hon. D. Greg Sakall	Ducey	2017	2020	Legal Ability - 99 Integrity - 96 Comm - 96 Temp - 95 Admin - 97 Settlement - 98	YES with reservations
Rationale: He spoke at a Federalist Society symposium in AZ on Originalism and the AZ Constitution on Oct. 7, 2022.					
Hon. Joan Wagener	Brewer	2014	2020	Legal Ability - 98 Integrity - 97 Comm - 95 Temp - 91 Admin - 95 Settlement - 100	YES
Hon. Wayne E. Yehling	Ducey	2017	2020	Legal Ability - 98 Integrity - 98 Comm - 95 Temp - 95 Admin - 96 Settlement - 100	YES

Pinal County Superior Court					
Judge Name	Appointed By	Appointed When	Retained	Judicial Performance Reports	RETAIN (YES) or DO NOT RETAIN (NO)
Hon. Patrick K. Gard	Ducey	2018	2020	Legal Ability - 95 Integrity - 95 Comm - 93 Temp - 90 Admin - 95 Settlement - 96	YES
Hon. Joseph R. Georgini		2005	2016, 2020	Legal Ability - 95 Integrity - 96 Comm - 93 Temp - 95 Admin Perf - 97 Admin Skills - 100 Settlement - 96	YES
Hon. Jason Holmberg	Brewer	2013	2016, 2020	Legal Ability - 98 Integrity - 100 Comm - 99 Temp - 98 Admin - 99 Settlement - 93	YES
Hon. Robert C. Olson	Ducey	2018	2020	Legal Ability - 97 Integrity - 99 Comm - 98 Temp - 100 Admin - 94 Settlement - 94	YES

Coconino County Superior Court					
Judge Name	Appointed By	Appointed When	Retained	Judicial Performance Reports	RETAIN (YES) or DO NOT RETAIN (NO)
Hon. Cathleen Brown-Nichols		2012	2016	Legal Ability - Integrity - Comm - Temp - Admin - Settlement -	YES with reservations
Rationale: July, 2022 Reprimanded twice for violating Arizona's Code of Judicial Conduct.					
Hon. Stacy L. Kruege	Ducey	2021		Legal Ability - 96 Integrity - 96 Comm - 94 Temp - 96 Admin - 96 Settlement - 93	YES

Court of Appeals Division I					
Judge Name	Appointed By	Appointed When	Retained	Judicial Performance Reports	RETAIN (YES) or DO NOT RETAIN (NO)
Hon. Angela K. Paton	Ducey	2021		Legal Ability - 98 Integrity - 100 Comm - 98 Temp - 100 Admin - 98	NO
<p>Rationale: Paton was featured at a Federalist Society symposium in AZ on Originalism and the AZ Constitution on Oct. 7, 2022. She was Special Asst. Attorney General under Mark Brnovich. Paton's appointment to the Appellate Court was highly controversial since her husband, lobbyist Jonathan Paton, sits on the Appellate Court Judicial Nominating Commission. Paton's husband was hired by the Arizona Judges Association to help write and pass Proposition 137 on the Nov. 2024 ballot, which would virtually eliminate judicial retention elections.</p>					
Hon. Brian Y. Furuya	Ducey	2021		Legal Ability - 93 Integrity - 98 Comm - 100 Temp - 100 Admin - 92	YES

Court of Appeals Division II					
Judge Name	Appointed By	Appointed When	Retained	Judicial Performance Reports	RETAIN (YES) or DO NOT RETAIN (NO)

Hon. Peter J. Eckerstrom	Napolitano	2003	2012	Legal Ability - 96 Integrity - 99 Comm - 96 Temp - 92 Admin - 100	YES
Hon. Christopher P. Staring	Ducey	2015		Legal Ability - 96 Integrity - 100 Comm - 99 Temp - 99 Admin - 100	YES

How Judges are Nominated and Selected in Arizona

Judges who are screened and selected by public committees (see description below) and appointed by the Governor are:

- Supreme Court justices;
- Court of Appeals judges, and
- Superior Court judges in Maricopa, Pima, Pinal, and Coconino* counties. Counties must opt in to this retention process.

Once appointed, the judges are retained or rejected by the voters every four years for these three superior courts and every six years for the appellate courts and Supreme Court.

Judges who are elected are superior court judges from Apache, Cochise, Gila, Graham, Greenlee, La Paz, Mohave, Navajo, Santa Cruz, Yavapai, and Yuma counties, and justices of the peace.

Judicial Nominating Commissions (Merit Selection of Judges): Voters amended the Arizona Constitution in 1974 to provide for a judicial merit selection and retention process. This amendment requires the Governor to appoint appellate court judges statewide and superior court judges in Maricopa, Pima, and Pinal counties from a list of nominees submitted by judicial nominating commissions. The Constitution allows counties other than Maricopa, Pima, and Pinal to elect the merit selection system for their county, which Coconino County did in 2018. Superior court judges in Arizona's other 11 counties continue to seek office in contested elections.

The Commissions on Judicial Appointments, also known as judicial nominating commissions, are responsible for recommending individuals to fill judicial vacancies in appellate courts and the superior courts in Coconino, Maricopa, Pima, and Pinal counties.

In 1992, Arizona voters approved the first changes to the merit selection process since it was adopted in 1974. The changes modified the process for appointing superior court and appellate court judges, including adding the requirements

that judicial nominating commissions hear public testimony and vote in public before making recommendations to the Governor, who then appoints new judges from the recommendations of the commissions.

Each of the five nominating commissions — Coconino County Commission on Trial Court Appointments, Maricopa County Commission on Trial Court Appointments, Pima County Commission on Trial Court Appointments, Pinal County Commission on Trial Court Appointments, and the Commission on Appellate Court Appointments — has 16 members: 10 non-attorneys and five attorneys, plus the Chief Justice of the Supreme Court or a designated Supreme Court justice, who serves as a voting chairperson for all five commissions. Attorney members of the five commissions are nominated to the Governor by the Board of Governors of the State Bar of Arizona. All members of the commissions are appointed by the Governor and confirmed by the Senate.

References:

<https://www.azcourts.gov/guidetoazcourts/Upholding-Judicial-Standards>

<https://www.azcourts.gov/jnc>

https://tucson.com/opinion/local/local-opinion-arizona-s-judicial-appointments-are-a-model-for-nation/article_d7865458-793d-5785-9e03-147a2cb06a15.html

https://ballotpedia.org/Arizona_judicial_elections

*Coconino County: Until 2018, Judges were not appointed by the Governor, but rather ran for election and were elected into office by the voters of Coconino County. All elections were partisan races, although judges were usually unopposed. Retention elections were new to Coconino Co. in 2020, and judges will no longer be elected but will be selected on merit. Coconino County residents voted in support of Proposition 416 in 2018 to shift to merit selection and election retention.

About the Judicial Performance Review Process in Arizona

[Judicial Performance Commission](#) results indicate whether a judge “MEETS” Judicial Performance Standards based on survey information as well as all other public and non-public information submitted by the public, other officials, or the judge.

[Judicial Performance Surveys](#) show results of surveys completed by respondents on a scale of Superior - Very Good - Satisfactory - Poor - Unacceptable. Surveys were sent to Attorneys, Litigants, Witnesses, Pro Per Litigants (self represented), Jurors, and Peer Judges. In the case of Supreme Court Justices and Appellate Judges, surveys were sent to Attorneys, Peer Justices, and Superior Court Judges.

The Commission is composed of a maximum of 34 individuals who are members of the public, attorneys and judges. Due to changes in public reporting of JPR voting, all votes are deemed unanimous. By contrast, in past years the count of Commissioners voting “MEETS” or ‘DOES NOT MEET’ was recorded and reported. To be honest, survey responses in some cases are so few that they should not be relied upon.

Judicial Performance Standards include:

- Legal Ability: Decides cases based on applicable law, demonstrating competent legal analysis.
- Integrity: Free from personal bias. Administers justice fairly, ethically, and uniformly.
- Communication Skills: Issues prompt and understandable rulings and directions.
- Judicial Temperament: Dignified, courteous, and patient.
- Administrative Performance: Manages courtroom and office effectively. Issues rulings promptly and efficiently.

You can also consult the [Arizona Commission on Judicial Conduct](#) to learn more about judicial ethics and how the judiciary polices itself.

Even more, you can [provide feedback on a judge](#) or apply for [membership on the AZ Judicial Performance Review Commission](#).

For more Information Visit: <https://www.azcourts.gov/jpr/About-JPR>

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The Federalist Society

The Federalist Society originated in 1982 from a gathering of similarly-minded attorneys, judges, and legal experts. Antonin Scalia was one of the speakers at that first symposium, which celebrated a contrarian view of the courts' trend toward protecting the rights of minorities, protecting the environment and public health through regulation, and interpreting the US Constitution as an evolving document.

A throughline, [as described by Emma Green in The New Yorker](#), was “the simple, powerful idea that animates the conservative legal movement: that a judge’s job is not to make value judgments or to speculate about the potential consequences of his or her decisions but, rather, to decide cases by looking solely at how the Constitution was understood at the time it was written. This method of interpretation, called originalism, would inevitably lead to the end of Roe.”

From the outside, “originalism” appears to be a fig leaf doctrine that protects the rights of corporations to profit and that protects individual liberty — except when it doesn’t. Immaterial to this partly conservative, partly libertarian philosophy is preserving the health and safety of Americans and protecting the liberty of those who want to realize the ideals — not the antiquated words — of the American promise. In 2022, Peggy Quince and Lauren Rikleem from [Lawyers Defending American Democracy wrote in Bloomberg Law](#), “The originalism backdrop for judges with Federalist Society roots has been working to change the social order in our country by overturning the right to an abortion, LGBTQ+ rights, affirmative action, regulation of property rights, regulation of businesses, diminishing the power of federal agencies, and elevating freedom of speech over other constitutional rights.” Full liberty, it appears, is reserved for those who adopt a consistently narrow moral and religious worldview.

The Federalist Society has a powerful model of nurturing conservative thought through affiliates in more than 100 law schools, then feeding adherents into influential jobs and the judiciary. All 6 conservative justices on the US Supreme Court are Federalist Society members or supporters, and state courts are increasingly absorbing similar believers. As early as 2007, Federalist Society leader Leonard Leo started targeting state courts and working to undermine independent judicial

appointment systems like those in Missouri and Arizona. The Judicial Confirmation Network, which rebranded as the [Judicial Crisis Network](#) and is now the Concord Fund, has poured money into both state and federal judicial activism.

Intertwined in the sprawling Federalist Society network is the Alliance Defending Freedom, co-founded by AZ Supreme Court Justice Clint Bolick, along with a mind-boggling array of mega-donors, influencers, and others in a scheme that [Rhode Island Sen Sheldon Whitehouse likened to a covert intelligence agency operation](#). But as we learn more about multi-decade enterprise to take over the judiciary, we are likewise empowered to counter by holding judges accountable for their unpopular and backwards-looking decisions. Read on!

Sources:

[How the Federalist Society Won](#), by Emma Green, 2022

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[Conquerors of the Courts](#), by David Montgomery, Washington Post Magazine, 2019

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[We Don't Talk About Leonard](#), by Andy Kroll, Andrea Bernstein and Ilya Marritz, ProPublica/On The Media, 2023

[Federalist Society's Influence on Courts if Bad for Democracy](#), by Peggy Quince & Lauren Rikleen, Bloomberg Law, 2022

[Interpreting the Constitution](#) from the [American Constitution Society](#)