

## Hon. Ann Timmer '85

### Education

Ann A. Scott Timmer got her BA degree at the University of Arizona<sup>1</sup> in 1982, and her JD at the Sandra Day O'Connor College of Law<sup>2</sup> in 1985. She earned her master's degree in judicial studies<sup>3</sup> at Duke University School of Law<sup>4</sup> in 2018.

At ASU Law, she was the note and comment editor for the *Arizona State Law Journal*, a member of the National Appellate Advocacy Team, and a member of the regional winning team at the National Moot Court<sup>5</sup> in 1984. She graduated magna cum laude, 7<sup>th</sup> in a class of 127.

### Licensure and Law Practice

The State Bar of Arizona admitted her to practice on November 8, 1985. She practiced law with several Phoenix firms until 2000, when she became a judge.

In her fifteen years of law practice before becoming a judge, she focused on commercial and employment litigation, and tried capital murder cases both as a defense attorney and as a special

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<sup>1</sup> <https://www.arizona.edu/>

<sup>2</sup> <https://law.asu.edu/>

<sup>3</sup> At Duke Law's Master of Judicial Studies Program, judges learn the analytical skills and research approaches necessary for studying judicial institutions and apply those skills to studies of domestic and international judicial institutions, common and emerging legal issues, general judicial practices, and judicial reform efforts. Director David Levi's vision and leadership are evident. Together with several colleagues, he has brought together top scholars and experts to produce an intensive and challenging curriculum that addresses an array of issues relating to judicial institutions, judicial behavior, and decision-making.

In addition to teaching substantive law courses, such as constitutional and statutory law interpretation, federalism, international law, and analytic methods, leading scholars in the field of bias recognition help judges better identify and understand influences that may affect their decision-making. The program ends by offering judges the singular opportunity to work on a research thesis of publishable quality that may profoundly impact the judiciary. <https://judicialstudies.duke.edu/judicial-studies-llm/overview/>

<sup>4</sup> Duke University School of Law is the law school and a constituent academic unit of Duke University, Durham, North Carolina, United States. One of Duke's 10 schools and colleges, the School of Law began as the Trinity College School of Law in 1868. In 1924, following the renaming of Trinity College to Duke University, the school was renamed the Duke University School of Law. <https://law.duke.edu/>

<sup>5</sup> Her favorite activities were moot court and the prosecution clinic. Michael Berch was her professor for moot court and they competed in New York City. He told them that the nationals judges preferred east coast teams, so not to expect to do well, so they just did their best and made sure to really enjoy the Big Apple. Source, Interview with Justice Timmer by Heather Robles, November \_\_, 2019

prosecutor.<sup>6</sup> In chronological order, she worked for Heron, Burchette, Ruckert & Rothwell, then Scult, Lazarus & French, then Morrison Heck, then Wilenchik & Bartness.

### Scholarship and Publications

She wrote two articles, (1) “Working Class—What Seasoned Attorneys Will Never Tell You”<sup>7</sup> and “Alternative Work: Wave of the Future or Fast Track.”<sup>8</sup> And she wrote “The Influence of Re-Selection on Independent Decision Making in State Supreme Courts.”<sup>9</sup> This article is a serious assessment of how America “re-selects” high court judges after serving a term as an appointed judge. Justice Timmer said, “This article does not focus on reforming existing methods for re-selecting state Supreme Court Justices. Rather, I seek to add to our knowledge of how current re-selection systems affect sitting Justices. After a historical overview of how the states choose to select and retain Supreme Court Justices, I hypothesize that the re-selection methods—*elections and reappointments*—imposed on most Justices tempt them to act strategically to maximize their prospects of maintaining their positions. To test this hypothesis, I gathered evidence from confidential interviews conducted with sitting and retired state Supreme Court Justices and federal court judges who formerly served in state courts. To further test the hypothesis, I also propose as a sub-hypothesis that Justices concerned with re-selection act strategically in dissenting or specially concurring. To test this sub-hypothesis, I examine two empirical measures: (1) Justices’ overall dissent and special concurrence rates the year before a re-selection event as compared with the rate the year after; and (2) Justices’ criminal dissent and special concurrence rates the year before a re-selection event as compared with the rate the year following re-selection.” Emphasis supplied. It should be mandatory reading in legislative salons in every state.<sup>10</sup>

### The Arizona Court Of Appeals<sup>11</sup>

Governor Jane Dee Hull appointed her to Division One of the Arizona Court of Appeals in 2000. She served as vice chief judge from 2006 to 2008 and chief judge from 2008 to 2011.<sup>12</sup> Before her appointment to the court, Judge Timmer’s law practice focused on commercial and employment litigation, before state and federal trial and appellate courts, and administrative tribunals. Judge Timmer

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<sup>6</sup> Arizona Republic, Oct. 13, 2012, by Michael Kiefer.

<sup>7</sup> Arizona Attorney, February 2008. [http://myazbar.org/AZAttorney/pdf\\_articles/02018working3.pdf](http://myazbar.org/AZAttorney/pdf_articles/02018working3.pdf)

<sup>8</sup> Arizona Attorney, May 2001, co-author. [http://www.myazbar.org/AZAttorney/pdg=f\\_articles-altwork\\_501.pdf](http://www.myazbar.org/AZAttorney/pdg=f_articles-altwork_501.pdf)

<sup>9</sup> 82 Law and Contemporary Problems 27-62 (2019)

<sup>10</sup> <https://scholarship.law.duke.edu/lcp/vol82/iss2/3>

<sup>11</sup> The Arizona Legislature created the Arizona Court of Appeals in 1964 to reduce the workload of the Arizona Supreme Court, which up to that point was the state’s only appellate court. As the state’s intermediate appellate court, the Court of Appeals has two divisions, Division One, based in Phoenix, and Division Two, based in Tucson. Division One came into existence with three judges and gradually was expanded to its current number of 16 judges as the state’s population increased. Division One decides cases from eight of Arizona’s 15 counties: Apache, Coconino, La Paz, Navajo, Maricopa, Mohave, Yavapai and Yuma. As of January of 2018, 65 men and women have served as judges on the court. <https://www.azcourts.gov/coa1/CourtInformation/HistoryoftheCourt>

<sup>12</sup> The Honorable Ann A. Scott Timmer was appointed to Division One of the Arizona Court of Appeals in 2000. She served as Vice Chief Judge from 2006 to 2008 and Chief Judge from 2008 to 2011. <https://www.azcourts.gov/coa1/former-judges/Ann-Timmer>

also tried capital murder cases as a defense attorney and later as a special prosecutor. From April 2010 through June 2011, Justice Timmer chaired the Arizona Supreme Court's Commission on Improving Judicial Oversight and Processing of Probate Court Matters, culminating in recommendations for legislative and rule changes. Justice Timmer serves on the boards of many professional and community activities, including the Arizona Foundation for the Handicapped,<sup>13</sup> Arizona Women Lawyers Association,<sup>14</sup> National Association of Women Judges,<sup>15</sup> Council of Chief Judges of the State Courts of Appeal,<sup>16</sup> City of Glendale Judicial Selection Advisory Board,<sup>17</sup> and the Supreme Court's Commission on Judicial Education and Training.<sup>18</sup>

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### <sup>13</sup> Our Vision

The Opportunity Tree is committed to promoting the development of a society that fully embraces individuals with intellectual and developmental disabilities through inclusion, advocacy and opportunities.

We understand that the work to be done to achieve this mission reaches far beyond our walls. Through offering dynamic opportunities to our members to engage in workplace training, the arts, recreational activities and volunteer projects, we aim to empower our members to become their own advocates and champions. It is through this effort that we will achieve a more inclusive and just world for all. <https://theopportunitytree.org/about-us/>

<sup>14</sup> Arizona Women Lawyers Association promotes and encourages the success of women lawyers throughout Arizona by providing members with information and support, fostering connections among women lawyers, and monitoring and celebrating the successes of our members. AWLA's operations and statewide programs are administered by its Board of Directors, while local programs are overseen by the Steering Committees of its four regional chapters. <https://awla.clubexpress.com/content.aspx?sl=1038329608>

<sup>15</sup> National Association of Women Judges is an American professional organization founded in 1979. It is a gathering of women judges who are dedicated to preserving judicial independence to women, minorities and other historically disfavored groups while increasing the number and advancement of women judges, and providing judicial education. The NAWJ is not to be confused with the International Association of Women Judges, which is a separate organization that was born out of the NAWJ's ten-year anniversary conference. <https://www.nawj.org/>

<sup>16</sup> The Council of Chief Judges of the State Courts of Appeal was formed in 1980 when judicial leaders of state appellate courts around the nation recognized the need to have "a body for consultation" and education "concerning the improvement of the administration of justice, rules and methods of procedure, and the organization and operation of state intermediate appellate courts." <https://www.ccjsca.org/about/about-ccjsca>

<sup>17</sup> <https://glendalesun.com/organizations/645830586-city-of-glendale-judicial-selection-advisory-board/stories>

<sup>18</sup> The Committee on Judicial Education and Training (COJET) assists the Arizona Supreme Court in developing educational policies and standards for the court system, and is responsible for monitoring the quality of educational programs, recommending changes in policies and standards, and approving guidelines for accrediting training programs. <https://www.azcourts.gov/educationservices/Committees/COJET>

## The Supreme Court of the State of Arizona<sup>19</sup>

Governor Jan Brewer appointed her to the Arizona Supreme Court in 2012. The headline read, “Brewer appoints Republican to state Supreme Court.”<sup>20</sup> With this appointment, Timmer became only the fourth woman appointed to Arizona’s highest court, and the second woman to sit on the then-five-member court. She joined Chief Justice Rebeca White Berch, giving the Sandra Day O’Connor College of Law two graduates on the court simultaneously.

While serving on the Arizona Supreme Court, Justice Timmer received four special awards.

- Judicial Excellence Award, Arizona Association of Defense Counsel, 2015.
- Sandra Day O'Connor College of Law Alumni Award, 2015.
- Hall of Fame, Maricopa County Bar Association, 2014.
- Sarah Herring Sorin Award, Arizona Women Lawyers Association, 2014.
- John Lancy Award, Arizona State University, Sandra Day O’Connor College of Law, Law Journal, 2013.

Before becoming a Supreme Court Justice, she also won six special awards.

- Treat Award, National College of Probate Judges, 2012.
- Arizona State Bar Award of Special Merit, co-recipient, 2012.
- Recognized for contributions as a member of the Maricopa County Bar Association Task Force on Recruitment and Retention of Women and Minorities, 2007.
- Recognized for contributions made as a member of the Arizona Women Lawyers Association regarding promotion of women within the legal community, 2004.
- Recognized for service as a member of the Board of Directors of Community Legal Services, 2000.
- Commended by the Speaker of the Arizona House of Representatives for outstanding services in the impeachment and subsequent conviction of Evan Mecham, Governor of Arizona, 1988.

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<sup>19</sup> The Supreme Court’s primary judicial duties under Article VI, §5 of the Arizona Constitution, are to review appeals and to provide rules of procedure for all the courts in Arizona. It is the highest court in the state of Arizona and is often called the court of last resort.

The Supreme Court has discretionary jurisdiction, meaning that the court may refuse to review the findings of the lower court. Cases in which a trial judge has sentenced a defendant to death, however, automatically go to the Supreme Court for review.

### Supreme Court Justices

Seven justices serve on the Supreme Court for a regular term of six years. One justice is selected by fellow justices to serve as Chief Justice for a five-year term. In addition to handling casework like the other justices, the Chief Justice oversees the administrative operations of all the courts in Arizona. <https://www.azcourts.gov/AZ-Supreme-Court>

<sup>20</sup> The Arizona Republic, Sat. October 13, 2012. Judge Timmer had been passed over twice by Brewer and once by Governor Napolitano. Judge Timmer said, “I certainly get points for being persistent.”

## In Her Own Words

Justice Timmer, in her role as alumna, gave the commencement address to the class of 2012 at the Sandra Day O'Connor College of law. She shared life's unexpected turns, and a list of qualities they might use to succeed, despite life's various twists. "Anyone who comes to share this day with you wants to say something really significant, something you're going to take away. When I sat where you did, I thought my career would be a big firm, commercial litigation trial lawyer with a lot of money, that kind of thing. I never thought about being a judge, and I certainly never thought about being a justice. Lawyers become well-educated and well-experienced, and they forget what it was like to need help."<sup>21</sup>

Justice Timmer discussed objectivity, and recalled her favorite children's book, *The Phantom Tollbooth*,<sup>22</sup> especially the part of the story with the Island of Conclusions, an island that can only be reached by *jumping* to it. She stressed the importance of seeing all sides of an issue before making premature conclusions. She also emphasized the importance of maintaining relationships or 'keeping your community' in the field of law. "'Your relationships with people are the most important thing,' Justice Timmer said. 'It's not just what's in it for your profession, but your personal life as well.'"<sup>23</sup>

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<sup>21</sup> <https://law.asu.edu/content/justice-timmer-tells-law-graduates-stay-humble-0>

<sup>22</sup> The Phantom Tollbooth is a children's fantasy adventure novel written by Norton Juster with illustrations by Jules Feiffer, published in 1961 by Random House. It tells the story of a bored young boy named Milo who unexpectedly receives a magic tollbooth one afternoon and, having nothing better to do, drives through it in his toy car, transporting him to the Kingdom of Wisdom, once prosperous but now troubled. There, he acquires two faithful companions and goes on a quest to restore to the kingdom its exiled princesses—named Rhyme and Reason—from the Castle in the Air. In the process, he learns valuable lessons, finding a love of learning. The text is full of puns and wordplay, such as when Milo unintentionally jumps to Conclusions, an island in Wisdom, thus exploring the literal meanings of idioms. [https://en.wikipedia.org/wiki/The\\_Phantom\\_Tollbooth](https://en.wikipedia.org/wiki/The_Phantom_Tollbooth)

<sup>23</sup> <https://law.asu.edu/content/justice-timmer-tells-law-graduates-stay-humble-0>