



Court of Appeals

STATE OF ARIZONA
DIVISION TWO

CHAMBERS OF

JUDGE SEAN E. BREARCLIFFE

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Mr. Peter Gentala
President, Center for Arizona Policy
P.O. Box 32428
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Sent via E-Mail: surveys@azpolicy.org

September 21, 2026

Dear Mr. Gentala,

I received the Center for Arizona Policy's 2026 Judicial Survey when I returned late last week from some time out of the office. The timing -- given when you need the responses back -- has made it impractical to give the survey questions the thoughtful responses they need. I decided, at a minimum, to describe for you my judicial philosophy and approach to my work as an intermediate appellate court judge to aid those who are looking for some insight.

As intermediate appellate court judges, our job is merely to determine whether or not the rulings and other elements of proceedings we are reviewing were legally (and constitutionally) correct. We are bound by the factual record made in the trial courts below, precedent of the Arizona and United States Supreme Courts, and, principally, the law passed by the people and legislature and the state and federal constitutions. We rarely write on a blank slate. We cannot read into the trial court record something that is not there and we do not make new law or ignore binding precedent. Various presumptions, standards of review, and burdens of proof further govern the decision-making process and, to some extent, control the result in any given case. And, almost always, the scope of a decision is limited by what the parties to the case have asked us to decide. Consequently, our decisions are constrained.

On those rare occasions when we are writing on a blank slate and interpreting a statute, rule or regulation for the first time, my approach is that of textualism and originalism. That is, I first look to the text of the statute, rule or regulation, and -- if the meaning is clear from the words used -- I simply apply it. It is necessary in doing so to give the words the original meaning they had when the law, rule or regulation was passed or adopted. It is only when the words of a law, rule or regulation are not clear on their face or in context, that I resort to other rules of construction and interpretation. But even when such interpretive rules are used, the sole purpose is to arrive at the original meaning of the words used by those who passed the law.

My job is not to impose my personal views or desires on the law or to achieve a result in a given case because I may like the result. It has been said that if a judge is happy with the result of every decision, he or she is doing something wrong. My hope is, however, that I am always satisfied with how I got to a decision, even if, personally, I may not always like the outcome.

It has been the most profound professional honor and pleasure to serve on the Arizona Court of Appeals. I am thankful for all the civic groups endeavoring to give the voters more information in making such important decisions. I do hope the above, in part, gives you meaningful information you were seeking.

Sincerely,

Sean E. Brearcliffe

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SEB/dm