

# ATTORNEY REGULATION ADVISORY COMMITTEE

## MINUTES

Wednesday, June 8, 2016  
1:30 p.m. – 4:00 p.m.

State Courts Building, 1501 West Washington Street, Phoenix, Arizona  
Conference Room 109

### **Present**

Hon. William J. O'Neil  
Hon. Lawrence Winthrop  
Lisa Panahi  
George Riemer  
J. Scott Rhodes  
Patricia Sallen  
Elaine Sweet

### **Telephonically Present**

Ben Click  
Whitney Cunningham  
Mary Grier  
Emily Johnston  
Ron Watson

### **Absent**

Edward Novak  
Pamela Treadwell-Rubin  
Maret Vessella

### **Staff**

Kathleen Curry  
Mark Wilson  
Carol Mitchell  
Cassandra Ramos

### **Regular Business**

1:31 p.m. Call to Order and Introductions

Hon. Lawrence Winthrop

### **Business Items and Potential Action Items**

*No. 1* Review and Approve March and April 2016 ARC minutes

**Motion:** Approve March minutes with edits from George Riemer.

**Moved by:** J. Scott Rhodes

**Second:** George Riemer

**Carried:** None opposed

**Motion:** Approve April minutes.

**Moved by:** Honorable William J. O'Neil

**Second:** Elaine Sweet

**Carried:** None opposed

*No. 2* Review, Discussion and Possible Vote on Early Examination Report

Judge Winthrop advised that ARC was ordered by the Court to submit a supplemental report that included a recommendation on the early examination pilot project. Kathy Curry provided a history of the pilot project. After the program's initial launch law schools urged the Supreme Court to extend the pilot project for additional cycles, directed that ARC provide a supplemental report to determine next course of action. The attached report lays out the results of testing passage rates within these cycles of the pilot project and recommends permanent adoption. Law schools recommended that this become a permanent option for their students in their third year of law school to qualify and sit for the bar exam. Some discussion ensued about the disparity between law school participation requirements and rates. Mark Wilson explains that the Supreme Court established an outline for the pilot program and look to each school to create a program within those parameters.. This program, initiated during the recession, was designed to provide law students an opportunity to apply for employment immediately upon graduation, given they had passed the bar exam and character report was submitted, which potentially would result in an economic and competitive advantage. It is unclear if participation may decrease due to the ease of the recession.

This supplemental report, ordered by the Supreme Court is expected to be considered, along with any law schools that submitted reports in effort to decide what action to take with this pilot program. This report is due to be filed with the Court no later than June 30, 2016. Arizona is believed to be the only state which continues to offer this admission route. Scott Rhodes suggested that commentary from students should be in the Early Examination Report. Elaine Sweet recommended that statistics on employment after graduation should also be tracked. Judge Winthrop suggested that staff contact the law schools and request information on whether this program aided their students on seeking employment earlier than their peers, also if there have been any negative reactions from students. Kathy Curry reminded the group that students were given a questionnaire in February 2014 and offered an opportunity to have an input in the process.

**Motion:** To make early examination a permanent option.

**Moved by:** Honorable William J. O'Neil

**Second:** Patricia Sallen

**Carried:** None opposed

*No. 3* Review, Discussion and Possible Vote Regarding 2015 Rule Amendments and Future Studies and/or Reports Concerning the Impacts of the Amendments.

Judge Lawrence Winthrop and Mark Wilson discussed changes and statistics in the Character and Fitness application and hearing process. Scott Rhodes commented the new system is working very well, allowing for an exchange of information between the applicant and members of the Committee. Judge Winthrop suggested developing a short survey to distribute after the hearing process for the respondent and the members of the panel to complete Mark Wilson suggested ARC inform staff of the information sought from a survey, such as if the proceeding was fair, if the system was effective and from an administrative side if the process was efficient. Scott Rhodes recommended calculating the time from application submission to resolution before and after the rule change. Mark Wilson and Carol Mitchell will present proposed plan to acquire this information at the September meeting.

Kathy Curry commented that information would be most valuable from members of the Character and Fitness Committee that have served under the old and new system. A question arose about period of time for an applicant to move through the admissions process. Mark Wilson explained an overview of the process and factors that impact the timing. Mark Wilson emphasized staff's continued efforts towards process improvements to expedite decisions when possible.

Judge William J. O'Neil informed ARC that the Supreme Court would like ARC to amend the general petition in Rule 65 and Rule 68 that transcripts on discipline appeals to be paid by the appellee. Judge William J. O'Neil will draft a comment for the December ARC Meeting.

No. 4 Call to Public

**Next meeting date: Wednesday, September 14, 2016**

*Any agenda item, including the call to the public, may be considered at a time other than what is indicated on this agenda.*

The Committee may meet in executive session as permitted by A.C.J.A. §1-202. Please contact Cassandra Ramos at (602) 452-3295 with any questions concerning this agenda.