



## ATTACHMENT\*

### RULES OF THE SUPREME COURT

#### Rule 33. Committees; Practice

##### (a) ~~Committees; Powers and Duties.~~

1. Composition of Committees. The examination of applicants and their admission to the practice of law shall conform to this rule. For such purposes, there shall be two ~~C~~committees, the Committee on Examinations, and the Committee on Character and Fitness. The Committee on Examinations shall consist of twelve or more members in good standing of the state bar, and the Committee on Character and Fitness shall consist of eleven or more members in good standing of the state bar and four or more nonlawyer members of the public. Nonlawyer members shall have the same powers and duties of the lawyer members, as provided in these rules. The Chair of the Committee on Examinations and the Chair of the Committee on Character and Fitness shall each serve as liaison members of the other Committee.

2. Appointment of Members. Members of each committee shall be appointed by the Court, considering geographical, gender, and ethnic diversity, upon the recommendation of the Board of Governors of the State Bar of Arizona, which shall recommend at least three names for each appointment to be made. Members of the two ~~C~~committees shall serve at the pleasure of the Court and may be removed from a Committee at any time by order of the Court. A member of either Committee may resign at any time for seven-year terms.

3. Terms of Office. ~~Upon the expiration of a member's term, the Court shall appoint a new member to serve for a term of seven years. As to each committee, in~~ Members of the two Committees shall be appointed for an initial term of four (4) years and may be reappointed. A member whose term has expired shall continue to serve until a replacement is appointed, or until the member's participation in all matters begun during the member's term have been concluded. ~~the event of~~ If a vacancy due to resignation or inability of a committee member to serve, the Court shall appoint another person to serve the unexpired term.

4. Powers and Duties of Committees. The Committee on Examinations shall examine applicants and advise this Court and the Committee on Character and

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\* Changes or additions in rule text are indicated by underscoring and deletions from text are indicated by ~~strikeouts~~.

Fitness of those who have passed the examination or examinations required for admission to the state bar. The Committee on Character and Fitness shall recommend to this Court for admission to the state bar those individuals who, having passed the examination or examinations required for admission to the state bar, are deemed by the Committee to be qualified on the basis of character and fitness. The Court will then consider the recommendations and either grant or deny admission.

**(b)-(c)** [No change in text.]

### **Rule 34. Application for Admission**

**(a)-(e)** [No change in text.]

#### **(f) Admission on Motion.**

1.-3. [No change in text.]

4. An applicant who has failed a bar examination administered in this jurisdiction or who has passed the uniform bar examination in another jurisdiction but failed to achieve the Arizona scaled score within five years of the date of filing an application under this rule shall not be eligible for admission on motion.

5. [No change in text.]

**(g)** [No change in text.]

#### **(h) Admission by Transfer of Uniform Bar Examination Score.**

1. An applicant who has taken the uniform bar examination in another jurisdiction and who meets the requirements of (A) through (G) of this paragraph (h)(1) may be admitted to the practice of law in this jurisdiction.

The applicant shall:

A.-B. [No change in text.]

C. submit evidence of a passing score on the Multistate Professional Responsibility Examination as it is established in this jurisdiction, earned within five years of the date of application;

D.-G. [No change in text.]

2.-4. [No change in text.]

(i)-(j) [No change in text.]

**(k) Deficiency in Examination Application and Supporting Documents.** If the Committee on ~~Character and Fitness~~ Examinations finds that an application is deficient, or the required supporting documents are deficient, or both, the Committee shall advise the applicant in writing of the deficiency, and the assessment of applicable late fees as established by the Court. The Committee shall allow the applicant either to supply additional information or to correct, explain in writing, or otherwise remedy the defects in the applicant's application, supporting documents, or fees up until the filing deadline. If such deficiencies in an examination application are not cured by the examination deadlines established by the Court, and if the Committee's reasons for refusing to grant permission for the applicant to take an examination are of record as a part of the applicant's file, the Committee shall withdraw the application and advise the applicant of such withdrawal and the reasons therefor.

(l)-(n) [No change in text.]

### **Rule 35. Examination Requirements**

(a) [No change in text.]

**(b) Examination Subjects; Grading.**

1.-2. [No change in text.]

3. An applicant who takes the uniform bar examination in Arizona or seeks to transfer a uniform bar examination score from another uniform bar examination jurisdiction will be deemed to have satisfied the requirements of the Arizona uniform bar examination if the applicant, ~~during the examination session,~~ achieves a scaled score equal to or greater than the minimum acceptable score established by the Committee for ~~such~~ the test administration, under conditions consistent with the practices and procedures of the Committee on Examinations and the National Conference of Bar Examiners. The passing score for each test administration shall be posted on the Supreme Court Website. Results of the bar examination will be published and mailed or e-mailed at such dates and times as the Committee deems appropriate. Arizona bar examination attempts prior to adoption of the uniform bar exam, successful or unsuccessful, shall be considered equivalent to the Arizona uniform bar examination for purposes of these rules.

4.-9. [No change in text.]

10. The Committee on Examinations may take action, by majority vote, to

enforce the Committee's own conditions, practices, and procedures, as well as those of the National Conference of Bar Examiners, including expulsion from the examination, temporary withholding of a score, or nullification of a score.

**(c) Subsequent Examinations; Role of Committee on Character and Fitness.**

1. An applicant failing to pass one uniform bar examination in any jurisdiction may apply for two subsequent uniform bar examinations in Arizona if the applicant meets all requirements listed in Rule 34(b). The application, in the form specified by Rule 34(c), shall be accompanied by the application and examination fees established by the Court, all supporting documents specified in Rule 34(d) or as the Committee on Character and Fitness may request and, if required by the Committee, such additional investigation fee as the Committee may determine is reasonably required to properly investigate the qualifications of such applicant. Arizona bar examination attempts prior to adoption of the uniform bar exam, successful or unsuccessful, shall be considered equivalent to the Arizona uniform bar examination for purposes of these rules.

2. [No change in text.]

3. An applicant taking the uniform bar examination three times in any jurisdiction and failing to earn the minimum acceptable score established by the Committee on Examinations will not be permitted to take a further examination, unless all requirements listed in Rule 34(b) are met, and the Committee on Examinations grants permission for the applicant to write another examination in Arizona. The applicant shall submit a written request to the Committee on Examinations stating the additional study and preparation that the applicant has made to qualify for further examination. If the Committee finds reasonable cause to believe the applicant may successfully pass a further examination, it shall grant permission to sit for the additional Arizona uniform bar examination. Arizona bar examination attempts prior to adoption of the uniform bar exam, successful or unsuccessful, shall be considered equivalent to the Arizona uniform bar examination for purposes of these rules.

4. [No change in text.]

**Rule 36. Procedure before the Committee on Character and Fitness**

**(a) General Provisions**

1.-2. [No change in text.]

3. *Depositions and Subpoenas.* All of the rules of civil procedure authorizing, relating to and governing depositions in civil proceedings within and outside the state are applicable to depositions desired either by the applicant or by the Committee in connection with investigations and hearings. Either the Committee or the applicant shall be entitled to have subpoenas (including duces tecum) issued by the ~~clerk of this Court~~ Chair of the Committee to require the attendance of witnesses at a deposition, informal hearing, formal hearing, and any continuance thereof. The party desiring issuance of such subpoena shall file the application therefor with the ~~clerk of this Court~~ Chair of the Committee with a brief statement of the reasons for requiring such subpoena ~~accompanied by a form of order authorizing the clerk of this Court to issue such subpoena and the form thereof for issuance by the clerk.~~

4. [No change in text.]

**(b)-(d)** [No change in text.]

**(e) Informal Hearings.** Informal hearings shall be held in cases involving serious allegations of conduct specified in paragraph (d)(4) above. Informal hearings may also be held in other cases as determined by the Committee.

1.-4. [No change in text.]

5. *Informal Hearing Panel.* An informal hearing panel shall consist of at least three members of the Committee. An informal hearing panel shall act for and on behalf of the Committee for all actions and decisions related to informal hearings.

6. *Attendance of Panel Members at Hearing.* In the case of an informal hearing required by ~~paragraph (d)(4) of this rule,~~ at least three members shall attend the hearing. Panel members who do not attend the hearing shall review the entire record of the informal hearing before participating in making a recommendation. Members are strongly encouraged to participate in person.

7. *Concurrence of Members.* ~~In the case of informal hearings required by paragraph (d)(4) of this rule,~~ a A recommendation of admission shall require the concurrence of a majority of the panel members, but in no event less than three members. If this requirement is not met, a formal hearing shall be held pursuant to paragraph (f) of this rule. ~~In all other cases, the concurrence of a majority of the panel shall be required.~~

8. [No change in text.]

**(f) Formal Hearings.** The Committee shall hold a formal hearing, or formal hearings,

as may be reasonably required and as required pursuant to this rule, to enable the Committee to pass upon the applicant's qualifications.

1.-4. [No change in text.]

*5. Formal Hearing Panel.* A formal hearing panel shall consist of at least a majority of the current members of the Committee. ~~A majority of the members of the Committee shall attend the formal hearing.~~ Panel members may attend hearings using electronic means but are strongly encouraged to participate in person. ~~If a member of the hearing panel is not present at the hearing, the record shall be made available to all panel members and thereafter, a~~ A decision shall be made by a majority of the panel, as defined above, as soon as practicable.

6.-8. [No change in text.]

(g) [No change in text.]

### **Rule 37. Miscellaneous Provisions Relating to Admissions**

#### **(a) Time Limitation on Admission.**

1. No Arizona Uniform examination applicant shall be admitted to the practice of law in Arizona until the applicant has successfully completed the Arizona uniform bar examination, satisfied the Multistate Professional Responsibility Examination requirements, and has been recommended for admission by the Committee on Character and Fitness. Failure to take the oath of admission and be admitted to the practice of law in Arizona within five years of successful Arizona uniform bar examination will void all examination scores, and the applicant will be required to successfully retake all required examinations and comply with all required procedures relating to Character and Fitness determinations. Arizona bar examination attempts prior to adoption of the uniform bar exam, successful or unsuccessful, shall be considered equivalent to the Arizona uniform bar examination for purposes of these rules.

2.-3. [No change in text.]

(b)-(e) [No change in text.]