

Arizona Supreme Court No. R-14-0011

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TO:

Rule 28 Distribution

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ATTACHMENT*

Rule 34. Application for Admission

(a) [No change in text.]

(b) Applicant Requirements and Qualifications.

1. No applicant ~~shall~~will be recommended for admission to the practice of law in Arizona by the Committee on Character and Fitness unless the Committee is satisfied that:

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

D. the applicant is a graduate with a juris doctor from a law school provisionally or fully approved by the American Bar Association at the time of graduation; or the applicant is a graduate with a juris doctor ~~provided that this requirement shall not apply to an examination applicant who~~ and has been actively engaged in the practice of law in some other state or states for at least five of the last seven years prior to filing an application for admission to practice in Arizona; and

E. - F. [No change in text.]

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

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

Rule 35. Examination Requirements

(a) – (b) [No change in text.]

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

1. – 3. [No change in text.]

~~4. An applicant aggrieved by any decision of the Committee on Examinations may file a petition for review by the Court as directed and within the time limits set forth in Rule 36(g)(1); however, the Committee on Examinations' decision regarding an~~

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

~~applicant's grade score is final and will not be reviewed by the Court absent extraordinary circumstances.~~

(d) Review by the Court. An applicant aggrieved by any decision of the Committee on Examinations may, within twenty (20) days after such decision, file a verified petition for review with this Court; however, the Committee on Examination's decision regarding an applicant's grade score is final and will not be reviewed by the Court absent extraordinary circumstances. The petition must succinctly state the facts that form the basis for the petition and applicant's reasons for believing this Court should review the Committee's decision. A copy of the petition must be promptly served upon the Committee. The Committee will have thirty (30) days after service to file a response and transmit the applicant's file to this Court. Thereupon the Court will consider the matter and render a decision.

Rule 36. Procedure Before the Committee on Character and Fitness

(a) General Provisions

1. *Nature of Proceedings.* ~~Informal or formal p~~ Proceedings before the Committee on Character and Fitness are neither civil nor criminal, but are sui generis. Proceedings shall be styled as follows:

BEFORE THE COMMITTEE ON CHARACTER AND FITNESS
OF THE SUPREME COURT OF ARIZONA

In the Matter of the Application of)
_____))
To be Admitted to the Practice of)
Law)

2. *Representation by Counsel; Duties of Bar Counsel.*

A. *Representation of the Applicant.* The applicant may be represented by counsel of the applicant's choosing in any proceedings before the Committee or panels acting on its behalf.

B. *Representation of the Committee at Formal Hearing.* In the event the Committee, by vote of a majority of its members, finds that a proposed ~~formal hearing proceeding~~ will be complex, or for other reasons deemed sufficient, the Committee may certify to this Court that in its opinion a special investigator should be appointed from active members of the State Bar of Arizona to further investigate and present the evidence ~~bearing upon the issue of~~ regarding the applicant's qualifications to be admitted to the practice of law in Arizona. The chief justice of this Court may appoint such a

special investigator to further investigate said matter and to present all available evidence at the formal hearing any proceeding.

C. Duties of Bar Counsel.

i. *Court review.* Upon the Committee Chair's request, bar counsel ~~shall~~ must represent the Committee before the Court in any matter in which the applicant has petitioned for review of the Committee's decision after a hearing, ~~either formal or informal.~~ In such cases, the Committee ~~shall~~ will be deemed bar counsel's client.

ii. *Conditional admissions.* Bar counsel ~~shall~~ will monitor and supervise attorneys who have been admitted with conditions pursuant to paragraph ~~(a)(4)(D)~~ (g) of this rule. ~~At the end of the conditional period, bar counsel shall forward a report to the Committee regarding the attorney's compliance or non-compliance with the imposed conditions.~~

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's representative or and the applicant shall~~ will be entitled to have subpoenas (including duces tecum) issued by the Chair of the Committee for discovery purposes, or to require the attendance of witnesses at a deposition, informal hearing, formal hearing, and any continuance thereof. The party ~~desiring~~ seeking issuance of ~~such a subpoena shall~~ must file the application ~~therefor~~ with the Chair of the Committee with a brief statement of the reasons for ~~requiring such~~ the subpoena. Subpoenas will not be issued for informal inquiries.

4. *Dispositional Alternatives.* The Committee's investigation, informal inquiry, or ~~the informal or formal~~ hearings may result in the following range of dispositional alternatives:

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

D. recommendation for conditional admission as provided in paragraph (g)- ~~conditioned on compliance by the applicant with specified behavior for a specified period pursuant to paragraphs (e)(6)(C) or (f)(4)(5) of this rule; provided however that applicants for admission on motion shall not be recommended for conditional admission.~~

(b) Determination of Character and Fitness; Burden of Proof; Relevant Factors and Evaluation. The applicant ~~shall have~~ has the burden of proving good moral character by clear and convincing evidence. The Committee ~~on Character and Fitness shall~~ must, in determining the character and fitness of an applicant to be admitted to the state bar, review, consider, and evaluate the traits, characteristics, criminal history, and conduct set forth below.

1. [No change in text.]

2. *Conviction of a Crime.*

A. There ~~shall be~~ is a presumption, rebuttable by clear and convincing evidence presented at an ~~informal or formal hearing~~ proceeding, that an applicant who has been convicted of a misdemeanor involving a serious crime or of any felony ~~shall~~ must be denied admission. “Serious crime” includes any crime, a necessary element of which, as determined by the statutory or common law definition of such crime, involves interference with the administration of justice, false swearing, misrepresentation, fraud, willful extortion, misappropriation, theft, or moral turpitude, including a conspiracy, a solicitation of another, or any attempt to commit such a serious crime.

B. The Committee, acting through one of its panels, ~~shall~~ must transmit any recommendation for admission of an applicant who has been convicted of a misdemeanor involving a serious crime or of any felony to the clerk of the Court prior to admission.

3. [No change in text.]

4. [No change in text.]

(c) Recommendation for Admission Based on Preliminary Review.

1. The Manager of Attorney Admissions or that person’s designee ~~Committee and its staff shall~~ will conduct a complete preliminary review of the applications based on the categories of criminal convictions and other relevant conduct listed in paragraphs (b)(2) and (3) ~~of this rule.~~

2. Direct Recommendation. The Manager of Attorney Admissions or that person’s designee will review all applications for information about the ethical or moral fitness of each applicant. The Manager or designee must inform the Committee and certify to the Court the names of those applicants who, without further investigation, appear to be qualified for admission. Those applicants not certified by the Manager will be referred to the Committee for further review. If it is determined that there is no conduct that falls within one of these categories, the Committee shall recommend the applicant for admission, or recommend the applicant for admission pending the receipt of a passing score on the bar examination(s).

3. Additional Recommendations. The Manager of Attorney Admissions or that person’s designee may recommend that a matter proceed to an informal inquiry pursuant to paragraph (e) or a hearing pursuant to paragraph (f). The Chair has discretion to order that the matter proceed accordingly.

(d) Further Investigation.

1. Upon completion of the preliminary review, if it is determined that there is conduct that falls within one or more of the categories listed in paragraphs (b)(2) and (3) ~~of this rule~~, a committee member (the “investigating member”) ~~shall~~ will be designated to investigate as appropriate and evaluate whether, and to what extent, the applicant's prior criminal conviction(s) or other conduct should prevent the applicant's admission.

2. In the event the investigating ~~committee~~ member requires additional information or documentation to facilitate making a determination of the applicant's character and fitness, the member may make an inquiry, either orally or in writing, to the applicant or any other person, for additional information or documentation, and may utilize the subpoena and deposition powers as set forth in paragraph (a)(3) ~~of this rule~~.

3. After the necessary investigation, the investigating ~~committee~~ member ~~shall~~ must either (i) terminate the investigation ~~dismiss the inquiry~~ and recommend the applicant for admission; ~~or~~ (ii) ~~recommend that call for an informal inquiry or formal hearing be held pursuant to paragraphs (e) or (f) of this rule;~~ or (iii) request that the Chair call for a hearing pursuant to paragraph (f), which request the Chair may grant or deny. ~~The Committee shall review the recommendation that a formal hearing be held.~~

4. Notwithstanding the above provisions, an applicant ~~shall~~ must not be recommended for admission without at least an informal hearing inquiry pursuant to paragraph (e) ~~of this rule~~ in any cases in which the investigation reveals and the ~~Committee~~ investigating member determines that there are ~~serious~~ allegations of serious misconduct by the applicant, whether or not such conduct resulted in a criminal conviction, that involve:

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

(e) Informal Hearings Inquiries. Informal ~~hearings~~ inquiries ~~shall~~ must be held in cases involving ~~serious~~ allegations of serious misconduct specified in paragraph (d)(4) above ~~and~~ ~~–~~ ~~Informal hearings~~ may also be held in other cases as determined by the ~~Committee~~ investigating member.

1. *Notice.* Oral or written notice ~~shall~~ must be provided to the applicant, which notice ~~shall~~ must advise the applicant generally of the subject, or subjects, of the informal hearing inquiry and the time and place thereof.

~~2. *Informal Hearing Record.* All informal hearings shall be recorded.~~

2. *Informal Inquiry Panel.* An informal inquiry panel must consist of three members of the Committee, including at least one attorney member and one public member, assigned by Committee staff on a rotating basis. The three members must attend the informal inquiry in person. An informal inquiry panel will act for and on behalf of the Committee for all actions

and decisions related to informal inquiries. The investigating member may participate in discussion with and questioning of the applicant during the informal inquiry but must not be part of the three-person panel and must not deliberate or vote at the conclusion.

3. *Permissible Evidence Consideration of Documents or Information.* Documents or other information provided to the investigating member Committee in confidence shall will remain confidential and may be ~~used~~ referenced, shared or considered at the informal inquiry hearing only if the providing party agrees. Absent such agreement, confidential information ~~shall must~~ not be ~~presented~~ referenced, shared or considered at the informal inquiry hearing or otherwise considered by the panel Committee in determining the applicant's character and fitness for admission to practice law. Because the objective of the informal inquiry is to informally resolve the investigating member's concerns efficiently, there is no formal introduction of exhibits or other evidence into a record at an informal inquiry. Neither the panel nor the applicant may subpoena the appearance of witnesses at an informal inquiry.

4. *Disclosure; Discovery.* ~~Twelve (12) days before the hearing, or otherwise as agreed by the parties, the Committee and the applicant shall simultaneously disclose documents and other information to be used at the hearing. The Committee need not provide to the applicant copies of documents the applicant has submitted during the application process, and applicant need not provide to the Committee copies of documents submitted with the application. Confidential information shall be subject to disclosure or discovery only if the providing party has agreed to its use at the hearing as set forth in paragraph (e)(32) of this rule. The chair of the Committee, in the exercise of discretion, may permit untimely disclosed information to be admitted at hearing, for good cause shown.~~

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 inquiry required by 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.~~

74. *Concurrence of Panel Members.* ~~A recommendation of admission shall require the concurrence of a majority all members of the inquiry panel members, but in no event less than three members. If this requirement is not met, a formal hearing shall must be held pursuant to paragraph (f) of this rule.~~

85. *Decision.* ~~The Committee inquiry panel's decision shall must be in writing.~~

A. *Recommendation to admit.* The inquiry panel's Committee's recommendation to admit an applicant shall will be deemed final action by the Committee and transmitted to the Court, subject to the issuance of the certification by the clerk of this Court.

B. Recommendation not to admit; ~~formal~~ hearing required. If the inquiry panel's ~~Committee's~~ decision is not to recommend admission, ~~a copy of the record of the informal hearing shall be made a part of the applicant's file, and a formal hearing shall~~ must be held pursuant to paragraph (f) of this rule.

C. Recommendation for conditional admission with conditions; review by the Court. ~~If The inquiry panel's Committee recommends admission with conditions, The Committee it panel may consult with bar counsel to determine the terms of conditional conditions of admission. ~~The Committee's decision shall contain findings and a recommendation outlining the conditions of the admission. Such decision shall reflect that bar counsel shall monitor and supervise the conditional admittee, and that if the conditional admittee materially violates a condition or conditions of the admission, bar counsel shall commence a discipline proceeding, which may result in any sanction ranging from extension of the period of conditional admission to disbarment. The decision recommending conditional admission with conditions shall~~ must be transmitted to the Court for review in accordance with paragraph (g)(2) of this rule.~~

D. Notice to applicant. In all cases, the panel's Committee's decision shall must be mailed to the applicant at the applicant's last known address, and a copy shall must be mailed to the applicant's attorney of record, if applicable.

(f) Formal Hearings. The Committee shall will 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~~ determine the applicant's qualifications for admission.

1. *Notice.* Written notice of such ~~formal hearing or hearings~~ shall must be given to ~~bar counsel and~~ the applicant, specifying:

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

2. *Conduct of ~~Formal~~ Hearings.*

A. Hearing Panel. The hearing panel must consist of five members, including the Chair of the Committee or his or her designee, at least two attorney members of the Committee, and at least one public member of the Committee. The members will be assigned by Committee staff on a rotating basis, none of whom shall have participated as members of the informal inquiry panel in the matter, if such informal inquiry was held. The Chair, or his or her designee, will preside over the hearing.

AB. The applicant or the applicant's attorney shall may present evidence on behalf of the applicant at the hearing. ~~One or more members of the Committee~~ The investigating member, or an appointed special investigator, ~~may~~ will present evidence on behalf of the

~~Committee. The chairperson shall designate any member of the Committee hearing panel as the presiding member and such member shall make all evidentiary and procedural rulings. The investigating member must not participate in the deliberations or vote with the hearing panel on a disposition.~~

~~BC.~~ BC. The ~~formal~~ hearing ~~shall~~ will be recorded and may be conducted without adherence to the Arizona Rules of Evidence. Neither the manner of conducting the hearing nor the failure to adhere to the Rules of Evidence ~~shall~~ will be grounds for reversing any decision by the ~~panel~~ Committee provided the evidence supporting such decision is substantial, reliable and probative. Irrelevant, immaterial or unduly repetitious evidence ~~shall~~ must be excluded. The applicant ~~shall have the~~ has a right to be represented by counsel, to submit evidence, and to cross-examine ~~witnesses~~.

~~CD.~~ CD. Copies of documentary evidence may be received at the discretion of the ~~presiding panel member~~ Chair or his or her designee. Upon request, any ~~Committee panel~~ member, the investigating member, an appointed special investigator, ~~bar counsel in connection with duties set forth in Rule 36(a)(2)(C)~~, the applicant, or applicant's counsel ~~shall~~ must be given an opportunity to compare the copy with the original.

~~DE.~~ DE. Notice may be taken of judicially cognizable facts.

~~EF.~~ EF. The applicant ~~shall~~ will have the burden of proving, by clear and convincing evidence, the requisite character and fitness qualifying the applicant for admission to the practice of law.

3. *Permissible Evidence.* Documents or other information provided to the Committee in confidence ~~shall~~ will remain confidential and may be used at the hearing only if the providing party agrees. Absent such agreement, confidential information ~~shall~~ must not be presented at the hearing or otherwise considered by the ~~panel~~ Committee in determining the applicant's character and fitness for admission to practice law.

4. *Disclosure; Discovery.* ~~Twelve (12)~~ Twenty (20) days before the hearing, or otherwise as agreed by the parties, the Committee and the applicant ~~shall~~ will simultaneously disclose documents and other information to be used at the hearing. The Committee need not provide to the applicant copies of documents the applicant has submitted during the application process, and applicant need not provide to the Committee copies of documents submitted with the application. Confidential information ~~shall~~ will be subject to disclosure or discovery only if the providing party has agreed to its use at the hearing as set forth in paragraph (f)(3) ~~of this rule~~. The ~~e~~Chair of the ~~Committee, in the exercise of discretion,~~ may permit untimely disclosed information to be admitted at hearing, for good cause shown.

5. *Formal Hearing Panel.* ~~A formal hearing panel shall consist of at least a majority of the current members of the Committee. Panel members may attend hearings using electronic~~

~~means but are strongly encouraged to participate in person. A decision shall be made by a majority of the panel, as defined above, as soon as practicable.~~

65. Decision. The hearing panel's recommendation requires the concurrence of a majority of the panel members. The panel's Committee's final decision shall must be in writing.

A. Recommendation against admission. If the hearing panel Committee recommends against admission, it shall must make separate findings of fact.

B. Recommendation for conditional admission. If the hearing panel Committee recommends conditional admission with conditions, the panel Committee may consult with bar counsel to determine the terms conditions of the conditional admission. The panel's Committee's decision recommending conditional admission shall must conform to the requirements of paragraph (g) and must be transmitted to the Court for review in accordance with paragraph (h)(2). contain findings and a recommendation outlining the conditions of the admission. Such decision shall reflect that bar counsel shall monitor and supervise the conditional admittee, and that if the conditional admittee materially violates a condition or conditions of the admission, bar counsel shall commence a discipline proceedings, which may result in any sanction ranging from extension of the period of conditional admission to disbarment. The decision recommending admission with conditions shall be transmitted to the Court for review in accordance with paragraph (g)(2) of this rule.

C. Recommendation to admit. A decision recommending admission of an applicant whose conduct was considered under paragraph (d)(4) must be accompanied by written findings and recommendations to the Court. Written findings are not required for other decisions recommending non-conditional admissions.

76. Notice to Applicant. The hearing panel's Committee's final decision shall must be mailed to the applicant at the applicant's last known address, and a copy shall must be mailed to the applicant's attorney of record, if applicable.

87. Denial of Admission as Final Decision. The decision of the Committee to deny admission is final, absent the filing of a petition for review by the applicant pursuant to paragraph (gh)(1) of this rule.

g. Conditional Admission

1. Eligibility for Conditional Admission. An applicant who has engaged in conduct that could have previously rendered him or her unfit to practice law may be conditionally admitted if the applicant shows meaningful and sustained rehabilitation and otherwise satisfies the eligibility requirements for admission, including fitness requirements and good moral character. Applicants for admission on motion are not eligible for conditional admission.

2. *Conditional status.* An applicant's admission to the practice of law pursuant to this paragraph is conditioned on his or her compliance with the terms of the conditional admission order. At the end of the period of conditional admission, the conditional admittee will achieve regular admission only after he or she demonstrates compliance with the terms of the conditional admission order.

3. *Terms of Conditional Admission.* The Committee, through the assigned panel, may recommend to the Court that an applicant's admission be conditioned on the applicant's complying with conditions that are designed to detect behavior that could render the applicant unfit to practice law and to protect clients and the public. The terms of conditional admission must be attached to the Committee's decision recommending conditional admission. The terms of conditional admission will always include the length of the conditional admission and a prohibition against the violation of any criminal laws and the Arizona Rules of Professional Conduct.

4. *Review by Court.* The recommendation for conditional admission and the terms of conditional admission will be transmitted to the Court for review as provided in paragraph (h)(2). If the Court declines review or otherwise approves the recommendation, the panel will issue an Order of Conditional Admission. The Order of Conditional Admission must include the terms of conditional admission.

5. *Compliance with Order of Conditional Admission.* Bar counsel will monitor and supervise the conditional admittee during the period of conditional admission. The conditional admittee will be responsible for the direct costs of monitoring and supervision. At least quarterly, bar counsel must provide the Committee and staff with a status report on each conditional admittee regarding the admittee's compliance with the terms. Bar counsel must promptly report any violations to staff and solicit their input as to whether a violation is material. If bar counsel determines that the conditional admittee has materially violated the terms of the Order of Conditional Admission, bar counsel will initiate proceedings with the Committee pursuant to paragraph (g)(6).

6. *Violation of Order of Conditional Admission.* Upon determining that the conditional admittee has materially violated the terms of the conditional admission, bar counsel must file a notice of violation with the Committee and serve a copy on the conditional admittee. The filing of a notice of violation will automatically extend the conditional admission until the matter is resolved by the Committee. As soon as practicable, the Committee must hold a hearing to determine if the order has been violated. The hearing panel for the violation hearing will consist of at least a majority of the current members of the Committee. The Chair or his or her designee will preside over the hearing. Bar counsel must prove a material violation by a preponderance of the evidence. The Committee's decision will require a concurrence of a majority of the panel members. If the Committee determines that a material violation has been proved, the Committee may revoke, extend, or modify the Order of Conditional Admission. The

Committee's decision is final subject to the filing of a petition for review pursuant to paragraph (h).

If the Committee determines that there was a material violation of the terms based on a violation of the ethical rules but did not revoke the Order of Conditional Admission, the Committee may refer the matter to the State Bar for discipline proceedings pursuant to Rule 55.

7. *Conversion to Regular Admission.* It is the conditional admittee's responsibility to demonstrate compliance with the Order of Conditional Admission in order to convert to regular admission. No sooner than sixty (60) days prior to the conclusion of the term of conditional admission, the conditional admittee must file with the Committee a Notice of Compliance with Order of Conditional Admission and serve a copy on bar counsel. The conditional admittee must demonstrate compliance by a preponderance of the evidence. Within twenty (20) days after service of the notice of compliance, bar counsel must file a response. If bar counsel agrees that the conditional admittee has demonstrated compliance and should achieve regular admission, the matter can be submitted to the Committee for consideration. If bar counsel or staff does not agree that regular admission is appropriate, the matter must be set for hearing before the Committee, as provided in paragraph (g)(6). Bar counsel's or staff's objection to regular admission will automatically extend the conditional admission until the matter is resolved by the Committee. Failure of the conditional admittee to fulfill the terms of the Order of Conditional Admission may result in a modification of the order which may include extension of the period of conditional admission, suspension or revocation of the conditional admission, or such other action as the Committee deems appropriate. If the conditional admittee fails to file the notice of compliance, the Order of Conditional Admission will be revoked at the end of the period of conditional admission. In all cases, the Committee will issue an appropriate order. The Committee's decision is final subject to the filing of a petition for review pursuant to paragraph (h).

8. *Effect of Revocation on Time for Reapplication.* If the conditional admission is revoked, an applicant may not reapply for admission for a period of five years from the date of the revocation, unless the Committee or Court orders otherwise.

(gh) Review by the Court.

1. Petition for Review.

A. An applicant aggrieved by any decision of the Committee on ~~Examinations or the Committee on~~ Character and Fitness may, within twenty (20) days after such ~~occurrence decision~~, file a verified petition for review with this ~~Court for a review,~~ except as provided in Rule 35(d)(7). The petition ~~shall~~ must succinctly and briefly state the facts that form the basis for the ~~complaint~~ petition, and applicant's reasons for believing this Court should review the decision of the Committee ~~on Examinations or the Committee on Character and Fitness.~~

B. A copy of ~~said the~~ petition ~~shall must~~ be promptly served upon the Committee, ~~from which the complaint arose and that~~ The Committee shall will have, within thirty (30) days ~~of such~~ after service, to transmit ~~said the~~ applicant's file, including all findings and reports prepared by or for ~~either the~~ Committee, and a response to the petition fully advising this Court as to ~~that the~~ Committee's reason for its decision and admitting or contesting any assertions made by the applicant in ~~said the~~ petition. Thereupon this Court shall consider the papers so filed, together with the petition and response, and make such order, hold such hearings and give such directions as it may in its discretion deem best adapted to a prompt and fair decision as to the rights and obligations of applicant judged in the light of ~~that the~~ Committee's and this Court's obligation to the public to see that only qualified applicants are admitted to practice as attorneys at law.

2. *Review on Court's Own Motion.* All recommendations for conditional admission ~~with conditions~~ are subject to *de novo de novo* review by the Court. The Committee on Character and Fitness, through the assigned panel, shall must file with the clerk its written decision recommending conditional admission ~~with conditions, along with the memorandum of understanding between the applicant and the Committee, and the terms of conditional admission-~~ with the clerk. The Court may decline review, or it may grant review on its own motion. If the Court declines review, the panel's Committee's recommendation for conditional admission ~~with conditions~~ will be final and the panel will issue the Order of Conditional Admission. If the Court grants review, the Court may issue such orders as may be appropriate for its review, including remanding the matter to the Committee for further action, ordering transmittal of the applicant's file, ordering additional briefing and/or setting the matter for oral argument. After receiving all the appropriate pleadings and record, the matter ~~shall will~~ be deemed submitted to the Court for its decision. A party or the panel may request that the Court seal a portion of the materials submitted for de novo review.