

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. R-14-0016
RULE 38, RULES OF THE)
SUPREME COURT) **FILED 9/2/2014**
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_____)

**ORDER
AMENDING RULE 38 OF THE RULES OF THE ARIZONA SUPREME COURT**

A petition having been filed proposing to amend Rule 38 of the Rules of the Arizona Supreme Court, and a comment having been received, upon consideration,

IT IS ORDERED that Rule 38 of the Rules of the Arizona Supreme Court be amended in accordance with the attachment hereto, effective January 1, 2015.

DATED this 2nd day of September, 2014.

SCOTT BALES
Chief Justice

TO:

David K. Byers

John A. Furlong

Rule 28 Distribution

ATTACHMENT*

Rule 38. Special Exceptions to Standard Examinations and Admission Process

(a) **Admission Pro Hac Vice.** [No change in text.]

(b) **Foreign Legal Consultant.** [No change in text.]

(c) **Full-Time Law School Faculty Members.**

1. [No change in text.]

2. *Requirements.* An applicant under this rule must be a graduate with a juris doctor degree from a law school provisionally or fully approved by the American Bar Association at the time of such applicant's graduation. Applicants shall be required to submit proof of their admission by examination to the bar of another state or the District of Columbia and shall pay the current applicable application and investigation fees. Each applicant must file an application with the Committee containing information relative to his or her educational and professional background and moral character. An applicant shall submit evidence that he or she has successfully completed the course on Arizona law described in Rule 34(j).

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

(d) **Clinical Law Professors and Law Students**

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

4. *Clinical Law Professors.*

A. [No change in text.]

B. *Requirements and Limitations for Clinical Law School Professors.* In order to make an appearance as lawyer pursuant to this rule, the clinical law professor must:

i. be duly employed as a faculty member of a law school in Arizona either provisionally or fully approved and accredited by the American Bar

* Additions to text are indicated by underscoring and deletions by ~~strikeouts~~.

Association for the purpose, *inter alia*, of instructing and supervising a clinical law program approved by the dean and faculty of such law school;

ii. be admitted by examination to the bar of another state or the District of Columbia;

iii. neither ask for nor receive any compensation or remuneration of any kind for such services from the person on whose behalf the services are rendered; ~~and~~

iv. certify in writing that the clinical law professor has read and is familiar with the Arizona Rules of Professional Conduct and the Rules of the Supreme Court of Arizona and statutes of the State of Arizona relating to the conduct of lawyers; and

v. submit evidence that the clinical law professor has successfully completed the course on Arizona law described in Rule 34(j).

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

5. [No change in text.]

(e) Authorization to Practice Law for Attorneys Volunteering with Approved Legal Services Organizations.

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

3. *Certification.* An attorney who seeks authorization to practice law under this rule shall file with the clerk of the Supreme Court of Arizona an application including:

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

C. a sworn statement signed by the applicant that he or she:

i. has read and is familiar with the Rules of the Supreme Court and the applicable statutes of the State of Arizona relative to the conduct of lawyers, and will abide by the provisions thereof;

ii. submits to the jurisdiction of the Supreme Court of Arizona for disciplinary purposes, as defined by the Rules of the Supreme Court; ~~and~~

iii. has not been disciplined by the bar or courts of any jurisdiction during the last fifteen years; and

v. has successfully completed the course on Arizona law described in Rule 34(j).

The applicant shall send a copy of the application to the State Bar of Arizona, which shall file any objection to such application with the clerk of the Supreme Court within ten (10) days after the date of receipt of such application. An attorney is not allowed to practice law under this rule until the applicant has been authorized to do so by order of the Supreme Court of Arizona. The clerk of the Supreme Court shall send a copy of the order authorizing the practice of law to the State Bar of Arizona.

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

(f) Authorization to Practice Law for Attorneys Working for Approved Legal Services Organization. An attorney who has been admitted to practice law in any other jurisdiction for at least two years and who is employed by an approved legal services organization in this State that provides legal assistance to indigents in civil matters, free of charge, may be admitted to practice before all courts of this State, subject to the following:

1. [No change in text.]

2. *Application and Authorization.* An attorney who seeks authorization to practice law under this rule shall file with the clerk of the Supreme Court of Arizona an application including:

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

C. a sworn statement signed by the applicant that he or she:

i. has read and is familiar with the Rules of the Supreme Court and any applicable statutes of the State of Arizona relative to the conduct of lawyers, and will abide by the provisions thereof;

ii. submits to the jurisdiction of the Court for disciplinary purposes, as defined by the Rules of the Supreme Court; ~~and~~

iii. has not been disciplined by the bar or courts of any jurisdiction within the past five years; and

iv. has successfully completed the course on Arizona law described in Rule 34(j).

A copy of the application shall be sent by the attorney to the Chief Bar Counsel of the State Bar of Arizona, who shall file any objection to such application with the clerk of the Court within ten days after the date of receipt of such application. An attorney is not allowed to practice law under this rule until the applicant has been authorized to do so by order of the Court. A copy of the order authorizing the practice of law shall be sent by the clerk of the Court to the Chief Bar Counsel of the State Bar of Arizona.

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

(g) Authorization to Practice Law for Attorneys Employed by Indigent Defense Offices.

An attorney who has been admitted to the active practice of law in any other jurisdiction for at least two years, and who is employed full time by a state or county funded indigent defense office located in a county with a population less than 500,000, may be admitted to practice before all courts of this State, for the limited purpose of providing representation to appointed clients of such office, as provided in this paragraph (h).

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

3. *Application and Authorization.* An attorney who seeks authorization to practice law under this rule shall file with the clerk of the Supreme Court of Arizona an application including:

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

C. a sworn statement signed by the applicant that he or she:

i. has read and is familiar with the Rules of the Supreme Court and any applicable statutes of the State of Arizona relative to the conduct of lawyers, and will abide by the provisions thereof;

ii. submits to the jurisdiction of the Court for disciplinary purposes, as defined by the Rules of the Supreme Court; ~~and~~

iii. has not been disciplined by the bar or courts of any jurisdiction within the past five years, or during the time of the applicant's licensure, whichever is greater; and

iv. has successfully completed the course on Arizona law described in Rule 34(j).

The applicant shall send a copy of the application to the State Bar of Arizona, which shall file any objection to such application with the clerk of the Supreme Court within ten (10) days after the date of receipt of such application. An attorney is not allowed to practice law under this rule

until the applicant has been authorized to do so by order of the Supreme Court of Arizona. The clerk of the Supreme Court shall send a copy of the order authorizing the practice of law to the State Bar of Arizona.

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

(h) In-house Counsel

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

3. An applicant for a Registration Certificate shall:

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

C. certify that the applicant has read and is familiar with the Arizona Rules of Professional Conduct; ~~and~~

D. pay an application fee in an amount equal to seventy-five percent (75%) of the current dues paid by active members of the State Bar of Arizona for the calendar year in which such application is filed; and

E. submit evidence that the applicant has successfully completed the course on Arizona law described in Rule 34(j).

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