

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. R-10-0019
PETITION TO AMEND RULES 34-37,)
RULES OF THE SUPREME COURT)
)
) **FILED 09/01/2011**
)
_____)

**ORDER AMENDING
RULES 36 AND 37, RULES OF THE SUPREME COURT**

On September 2, 2010, the Court adopted amendments to Rules 34-37, Rules of the Supreme Court, relating to admission to the practice of law in Arizona. At that time, it continued consideration of Rules 36(e) and 36(f) for further study. The Court now having received and considered additional comments on an alternative proposal for these rules,

IT IS ORDERED that Rules 36 and 37, Rules of the Supreme Court, be amended in accordance with the attachment hereto, effective January 1, 2012.

DATED this _____ day of September, 2011.

REBECCA WHITE BERCH
Chief Justice

TO:

Rule 28 Distribution

David K Byers

Terri L Clarke

David B Earl

Michael G Galloway

Mark I Harrison

Lee M Holtry

ATTACHMENT

RULES OF THE SUPREME COURT*

* * *

Rule 36. Procedure before the Committee on Character and Fitness

(a)-(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.-2. [No change in text.]

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

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)(3) 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. 3. [No change in text.]

6. 4. [No change in text.]

* Changes or additions to text are indicated by underlining and deletions from text are indicated by ~~strikeouts~~.

~~7. 5.~~ [No change in text.]

~~8. 6.~~ [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.-2. [No change in text.]

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

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 (f)(3) 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. 3.~~ [No change in text.]

~~6. 4.~~ [No change in text.]

~~7. 5.~~ [No change in text.]

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

(g) [No change in text.]

Rule 37. Miscellaneous Provisions Relating to Admissions

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

(c) Retention and Confidentiality of Records of Applicants for Admission. The records of applicants for admission to the practice of law shall be maintained and may be

destroyed in accordance with approved retention and disposition schedules pursuant to administrative order of the Court, pursuant to Rule 29, Rules of the Supreme Court. The records of applicants for admission and the proceedings of the ~~Committee on Character and Fitness~~ concerning an application for admission shall remain confidential, except as otherwise provided in these rules. Bar counsel shall be allowed access to the records of applicants for admission and the proceedings of the Committee concerning an application for admission in connection with the duties set forth in Rule 36(a)(2)(C). In addition, the Committee on Character and Fitness and the Committee on Examinations, or the Committees' designated staff, may

1. disclose their respective ~~the~~ records of pertaining to an applicant to

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

F. other court agencies, court committees or regulatory boards, for good cause shown;

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

4. disclose to an applicant, ~~at the commencement of hearing evidence to be used at the hearing, as permitted by Rules 36(e)(7) and 36(f)(7) as required by paragraphs (e) and (f) of this rule,~~ evidence to be used at the hearing.

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