

SUPREME COURT OF ARIZONA

BRENT RANDALL PHILLIPS,)
) Arizona Supreme Court
) No. CV-17-0122-SA
)
) Petitioner,)
) Office of the Presiding
)
) v.)
) Disciplinary Judge
) No. PDJ20169128
)
) THE HONORABLE WILLIAM O'NEIL,)
)
) PRESIDING DISCIPLINARY JUDGE,)
)
) Respondent Judge,)
)
) STATE BAR OF ARIZONA,)
)
) Real Party in Interest.)
)
) **FILED 5/16/2017**
)
 _____)

O R D E R

Upon consideration of the Petition for Special Action, the response of the State Bar of Arizona, and Petitioner's reply,

IT IS ORDERED granting jurisdiction of the Petition for Special Action.

IT IS FURTHER ORDERED that the parties shall file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than 30 days from the date of this Order, addressing the following issues:

1. What is the applicability of Arizona Rules of Evidence 408 and 613 when the State Bar seeks to use a consent decree in a lawyer disciplinary proceeding?
2. Is a provision in a consent decree between a party and a government agency providing that the decree will not be used as an admission or as evidence of any alleged wrongdoing in any other proceeding binding when a third party seeks to use the consent decree in a separate proceeding?

IT IS FURTHER ORDERED the Arizona Attorney General is invited to

submit his perspective on these issues as amicus curiae. The brief shall not exceed 20 pages and must be filed no later than 30 days from the date of this Order.

IT IS FURTHER ORDERED that the stay shall continue in effect pending the disposition of these proceedings.

DATED this 16th day of May, 2017.

_____/s/_____
SCOTT BALES
Chief Justice

TO:

Ralph W Adams

Karen A Clark

Hon. William J O'Neil

James D Lee

Amanda McQueen

Dominic Draye