

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. R-07-0030
A PETITION TO AMEND SUPREME)
COURT RULES 32, 45, AND 64)
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**ORDER AMENDING
RULES 32, 45, AND 64, RULES OF THE SUPREME COURT**

A petition having been filed proposing to amend the captioned rules, and comments having been received, upon consideration,

IT IS ORDERED that Rules 32, 45, and 64, Rules of the Supreme Court, be amended in accordance with the attachment hereto, effective January 1, 2009.

DATED this _____ day of September, 2008.

RUTH V. MCGREGOR
Chief Justice

TO:
Rule 28 Distribution

ATTACHMENT*

RULES OF THE SUPREME COURT

Rule 32. Organization of State Bar of Arizona

(a) – (b) [no changes]

(c) Membership.

1. *Classes of Members.* Members of the state bar shall be divided into five classes: active, inactive, retired, suspended, and judicial. ~~And~~ Disbarred or resigned persons is are not a members of the bar.

2. *Active Members.* [No change]

3. *Admission and Fees.* [No change]

4. ~~*Inactive Members; Retired Members.*~~ *Inactive Members.* Inactive members shall be those who have, as provided in these rules, been transferred to inactive status. An active member who ~~has retired from or~~ is not engaged in practice in Arizona may be transferred to inactive status upon written request to the executive director. Inactive members shall not practice law in Arizona, or hold office in the State Bar or vote in State Bar elections. On application and payment of the membership fee and any delinquent fees that may be due under Rule 45(d), they may become active members. Inactive members shall have such other privileges, not inconsistent with these rules, as the Board may provide. Incapacitated members may be transferred to disability inactive status and returned to active status as provided in these rules.

5. *Retired Members.* Retired members shall be those who have, as provided in these rules, been transferred to retired status. An active, inactive or judicial ~~retired~~ member who is not engaged in active practice in ~~Arizona~~ any state, district, or territory of the United States may be transferred to retired status upon written request to the executive director. Retired members shall not ~~practice law in Arizona, or~~ hold State Bar office or vote in State Bar elections. Retired members shall not practice law in any state, district, or territory of the United States. Retired members may provide volunteer legal services to approved legal services organizations as defined in Rule 38(e) of these rules, except that retired members need not have engaged in the active practice of law within the last five years as required in

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

Rule 38(e)(2)(B)(1) or Rule 38(e)(3)(A). Retired members may return to active status subject to the requirements imposed on inactive members who return to active status, as set forth in subsection (c)(4) of this rule. On application and payment of the membership fee and any delinquent fees that may be due under Rule 45(d), they may become active members. Retired members shall have other privileges, not inconsistent with these rules, as the Board may provide. ~~If the retired member has not attained the age of 70, a nominal fee, if any, may be set by the Board.~~ Incapacitated members may be transferred to disability inactive status and return to active status as provided in these rules.

56. *Judicial Members.* [No change]

67. *Membership Fees.* An annual membership fee for active members, inactive members, retired members and judicial members shall be established by the board with the consent of this court and shall be payable on or before February 1 of each year. No annual fee shall be established for, or assessed to, active members who have been admitted to practice in Arizona before January 1, 2009, and have attained the age of 70 before that date. The annual fee shall be waived for members on disability inactive status pursuant to Rule ~~59-63~~. Upon application, the Board of Governors may waive the dues of any other member for reasons of personal hardship.

78. *Computation of fee.* The annual membership fee shall be composed of an amount for the operation of the activities of the state bar and an amount for funding the Client Protection Fund, each of which amounts shall be stated and accounted for separately. Each active and inactive member, who is not exempt, shall pay the annual Fund assessment set by the court, to the state bar together with the annual membership fee, and the state bar shall transfer the fund assessment to the trust established for the administration of the ~~e~~Client Protection Fund.

89. *Allocation of fee.* Upon payment of the membership fee, each member shall receive a ~~certification~~ bar card issued by the board evidencing payment. All fees shall be paid into the treasury of the state bar and, when so paid, shall become part of its funds, except that portion of the fees representing the amount for the funding of the Client Protection Fund shall be paid into the trust established for the administration of the Client Protection Fund.

910. *Delinquent Fees.* [No change]

1011. *Resignation.*

A. Members in good standing who wish to resign from membership in the state bar may do so, and such resignation shall become effective when filed in the office of the state bar, accepted by the board, and approved by this court. After the resignation is approved by this court, such ~~member~~ member person's status shall be ~~known~~

changed to as a “resigned member in good standing.”

AB. Such resignation shall not be a bar to the institution of subsequent discipline proceedings for any conduct of the resigned ~~member~~ person occurring prior to the resignation. In the event such resigned ~~member~~ person thereafter is disbarred, suspended or censured, the resigned ~~member’s~~ person’s status shall be changed from “resigned ~~member~~ in good standing” to that of a person so disciplined. Such resignation shall not be accepted if there is a disciplinary charge or complaint pending against the member.

BC. Resigned ~~members~~ persons in good standing may be reinstated to membership in the same manner ~~and on the same terms~~ as members ~~suspended for nonpayment of membership fees~~ summarily suspended under Rule 62 of these rules. Reinstatement of resigned persons shall be governed by the procedures set forth in Rule 64(f) and shall require:

i. payment of fees, assessments, and administrative costs the resigned person would have been required to pay;

ii. proof of completion of any hours of continuing legal education activity the resigned person would have been required to take, had the applicant remained a member; and

iii. proof that the resigned person possesses the character and fitness to resume practicing law in this jurisdiction.

CD. A member wishing to resign shall apply on a form approved by the board and shall furnish such information as is required upon such form and shall make such allegations, under oath, as are required on such form.

1113. *Insurance Disclosure.* [No change]

(d) – (l) [No changes]

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Rule 45. Mandatory Continuing Legal Education

(a) Continuing Legal Education Requirements.

1.-3. [No change]

(b) Exemptions.

1. *Inactive and Retired Members.* An inactive or retired member of the bar shall be exempt from the requirements of section (a), if the lawyer is inactive or retired during the entire educational year. An active member who transfers to inactive or retired status is exempt during the educational year in which the transfer occurs. ~~An inactive member who transfers to active status shall comply with the educational requirements of section (a) in effect for the educational year in which he or she transfers to active status.~~

2. [No change]

3. *Active Members at Least 70 Years Old Before January 1, 2009.* An active member who ~~is at least~~ both has been admitted to practice in Arizona and has attained the age of 70 before January 1, 2009, years old or who will have been a member for at least 45 years prior to June 30 shall be exempt from the requirements of section (a) ~~for the educational year in question.~~

~~43.~~ *New Admittees.* [No change]

~~54.~~ *Out-of-State Compliance.* [No change]

~~65.~~ *Other Exemptions.* [No change]

(c) – (d) [No changes]

(e) Status Changes.

1. *Return from Inactive or Retired Status to Active Status.* Before a member will be permitted to change status from inactive or retired to active, that member must show completion of hours of continuing legal education activity equivalent to those required in section (a) of this rule for each of the last two years for which the member was on inactive or retired status.

2. Any inactive, retired, or judicial member who transfers to active status shall comply with the educational requirements of section (a) of this rule in effect for the educational year in which such transfer occurs.

~~(e)(f)~~ **Records.** [No change]

~~(f)~~(g) **Audits of Compliance.** [No change]

~~(g)~~(h) **Regulation Authority.** [No change]

~~(h)~~(i) **Summary Suspension.** Upon notice of the state bar pursuant to ~~r~~Rule 62, any member who fails to comply with this rule for any educational year in which he or she was an active member and not otherwise exempted may be summarily suspended by order of the board, provided that a notice by certified mail, return receipt requested, of such noncompliance shall have been sent to the member, mailed to his or her last address of record in the State Bar office, at least ~~thirty~~30 days prior to such suspension, ~~but~~. The member may be reinstated upon completion of the continuing legal education activity requirements for the each educational year in question which the member was suspended with proof of cure, payment of a reinstatement fee of \$100.00, all delinquency fees pursuant to section (d) of this rule and in accordance with Rule 64(f) of these rules.

~~(i) [Deleted Dec. 12, 1991, effective Jan. 1, 1992].~~

(j) – (k) [No changes]

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Rule 64. Reinstatement; Eligibility

(a) - (e) [No changes]

(f) Reinstatement After Summary Suspension by the Board of Governors. The application of a member summarily suspended shall be filed within two years from the effective date of the suspension and be accompanied by: (1) proof of cure of the grounds upon which the suspension order was entered; (2) and by payment equal to the amount of fees, assessments, and administrative costs, if any, the applicant would have been required to pay had the applicant remained an active member to the date of the application, plus the one hundred dollar (\$100.00) reinstatement fee and any applicable delinquency or late fees; and (3) proof of completion of any hours of continuing legal education activity required had the applicant remained an active member to the date of the application. A timely filed application shall be addressed to and be considered by the board. Upon verification of compliance, the board shall enter an order of reinstatement. If an application is not filed within two years from the effective date of suspension, the reinstatement procedure set forth in Rule 65 of these rules shall apply.