



Supreme Court

STATE OF ARIZONA

402 ARIZONA STATE COURTS BUILDING
1501 WEST WASHINGTON STREET
PHOENIX, ARIZONA 85007-3231
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NOËL K. DESSAINT
CLERK OF THE COURT

KATHLEEN E. KEMPLEY
CHIEF DEPUTY CLERK

September 18, 2006

RE: RULES 66, 67 AND 68, AZ RULES OF THE SUPREME CT
Arizona Supreme Court No. R-05-0025

GREETINGS:

The following action was taken by the Supreme Court of the State of Arizona on September 11, 2006, in regard to the above-referenced cause:

ORDERED: [Petition to Amend Rules 66(b), 67(c), and 68(c) and (d) of the Arizona Rules of the Supreme Court, Pertaining to Conservatorships] = ADOPTED as modified, effective January 1, 2007.

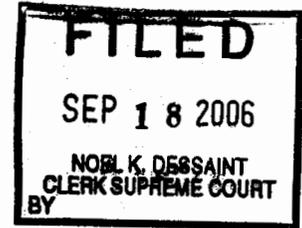
Noel K Dessaint, Clerk

TO:

Robert B Van Wyck, Chief Counsel, State Bar of Arizona
Final Rule Distribution List
cf

IN THE SUPREME COURT OF THE STATE OF ARIZONA

Supreme Court No. R-05-0025



**ORDER AMENDING
RULES 66, 67, and 68, RULES OF THE SUPREME COURT**

IT IS ORDERED that Rules 66, 67, and 68, Rules of the Supreme Court, be amended in accordance with the attachment hereto,* effective as of January 1, 2007.

DATED in the City of Phoenix, Arizona at the Arizona Courts Building, this 18th day of September, 2006.

For the Court:


RUTH V. MCGREGOR
Chief Justice

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

RULES OF THE SUPREME COURT

* * *

Rule 66. Appointment of Conservator to Protect Client Interests

(a) [No change in text.]

(b) **Service of Petition.** A copy of the petition and any related order to show cause shall be personally served upon the respondent lawyer, the chief bar counsel for the State Bar of Arizona, and upon other persons as provided in Rule 63 governing transfer to disability inactive status. Upon affidavit of petitioner or bar counsel that diligent efforts have failed to reveal the whereabouts of respondent, or that respondent is evading service, service shall be made upon the clerk of this court, who shall proceed as provided for in discipline proceedings, except that service shall be final when made.

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

Rule 67. Duties of Conservator

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

(c) **Written Notice to Clients of Conservatorship.** The conservator shall send written notice to all clients of the respondent of the fact of the appointment of a conservator, the grounds that required such appointment, and the possible need of the clients to obtain substitute counsel. Written notice shall be by first class mail to the client's last known address, as ascertained from a review of the client's file. A file may be returned to a client upon the execution of a written receipt, or released to substitute counsel upon the request of the client and execution of a written receipt by such counsel. Upon the termination of the conservatorship, the conservator shall file all such receipts with the court. When six (6) consecutive months have passed without any activity, the conservator may apply to the court for an order discharging the conservator. Thereafter, the files and papers of the respondent will be maintained by the state bar ~~as directed by the court~~ in accordance with the state bar's file retention policy as approved by the Board of Governors.

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

Rule 68. Conservator; Bank and Other Accounts

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

(c) Sufficient Funds. Whenever it appears that sufficient funds are in the possession of the conservatorship to permit the return of all client funds in the custody of the respondent, and otherwise to complete the conservatorship and pay its expenses authorized under these rules, the conservator shall permit the respondent or the respondent's estate to take full possession of any remaining funds in the respondent's personal or operating accounts. Any remaining funds or monies being held in respondent's trust account shall be directed and distributed by order of the court to the Client Protection Fund.

(d) Certification of Payment of Expenses and Compensation of Conservator. The necessary expenses and any compensation of a conservator shall, if possible, be paid by the respondent or the respondent's estate. If not so paid, the conservator may apply to the board for payment. The board shall direct that all of the necessary expenses and all or a portion of the requested compensation be paid as a cost of disciplinary administration and enforcement or from any other source it deems appropriate. The necessary expense and reasonable compensation for the conservator as determined by the board shall be assessed against the respondent as set forth in Rule 65 whether paid by the state bar or not. Necessary expenses and reasonable compensation of a conservator to be paid by the state bar shall be determined by the board and shall not exceed \$10,000 unless extraordinary circumstances exist. Upon application for readmission by the respondent, the expenses and compensation paid by the state bar shall be reimbursed and such amounts not previously paid to the conservator shall then be paid.

(e) [No change in text.]

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