

**ARIZONA ATTORNEYS FOR CRIMINAL JUSTICE**

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**Attorneys for Arizona Attorneys for Criminal Justice**

**IN THE SUPREME COURT OF THE STATE OF ARIZONA**

In the Matter of:

) No. R-16-0027

)

) **COMMENT OF ARIZONA**

Petition to Amend ER 1.2, Rule 42,  
Arizona Rules of the Supreme Court

) **ATTORNEYS FOR CRIMINAL**

) **JUSTICE REGARDING PETITION**

) **TO AMEND ER 1.2, RULE 42,**

) **ARIZONA RULES OF THE**

) **SUPREME COURT**

)

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Pursuant to Rule 28 of the Arizona Rules of the Supreme Court, Arizona Attorneys for Criminal Justice (“AACJ”) hereby submits the following comment to the above-referenced petition.

AACJ, the Arizona state affiliate of the National Association of Criminal Defense Lawyers, was founded in 1986 in order to give a voice to the rights of the

criminally accused and to those attorneys who defend the accused. AACJ is a statewide not-for-profit membership organization of criminal defense lawyers, law students, and associated professionals dedicated to protecting the rights of the accused in the courts and in the legislature, promoting excellence in the practice of criminal law through education, training and mutual assistance, and fostering public awareness of citizens' rights, the criminal justice system, and the role of the defense lawyer.

On behalf of its member attorneys, AACJ fully supports the proposed amendment of Ethical Rule 1.2 offered by the Petitioner. AACJ agrees that it is both important and appropriate to clarify the requirements and protections of Arizona lawyers as they negotiate the ethical minefield in our State's rapidly evolving marijuana laws and regulations. This proposed amendment, in our view, strikes the right balance between the right to advise clients on matters of Arizona law while being mindful of other laws that might impact those clients' activities. AACJ also agrees with Petitioner that the addition of ER 1.2(d)(3) would make any marijuana-specific explanatory comment unnecessary.

AACJ has also reviewed the comment of the State Bar of Arizona, which offers two alternative amendments to Petitioner's proposal: either add extra language to the proposed language of ER 1.2(d)(3), or add a comment. The State Bar wishes to ensure that attorneys only provide advice that they are qualified to

give. Of course no one would disagree with the sentiment; but AACJ believes that both of the State Bar's proposals are redundant to ER 1.1 because attorneys already are aware of the duty of competence. If choosing between the State Bar's alternative proposals, AACJ believes that the addition of a comment is preferable to lengthening the language of the rule.

DATED: May 20, 2016.

ARIZONA ATTORNEYS FOR CRIMINAL JUSTICE

By /s/ David J. Euchner  
John M. Sears & David J. Euchner

This comment e-filed this date with:

Supreme Court of Arizona

Copy of this Comment  
Mailed this date to:

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