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7 **IN THE SUPREME COURT**

8 **STATE OF ARIZONA**

9 In the Matter of:

Supreme Court No. R-____-_____

10 **PETITION TO AMEND RULES 34**
11 **THROUGH 37, RULES OF THE**
12 **SUPREME COURT OF ARIZONA**

Petition to Amend Rules 34 through 37,
Rules of the Supreme Court of Arizona

13 Pursuant to Rule 28, Rules of the Supreme Court of Arizona, the Certification
14 and Licensing Division of the Administrative Office of the Courts respectfully
15 petitions this Court to adopt amendments to Rules 34 through 37, Rules of the
16 Supreme Court of Arizona.

17 **Rule 34**

18 The current language under Rule 34(e)(3) provides that an applicant to sit for
19 the Arizona uniform bar examination (“UBE”) must be “promptly” notified that his
20 or her application is complete and is certified to sit for the examination. This
recommended amendment would change the requirement to notify “prior to the
examination”, rather than “promptly”.

1 The changes to Rule 34(f) would clarify than an applicant for admission on
2 motion by having been admitted by examination to practice in a reciprocal
3 jurisdiction must also be primarily engaged in the active practice of law in one or
4 more jurisdictions for three of the five years immediately preceding the date of
5 application. Additionally, language defining what the Court would constitute as
6 being “primarily engaged in the active practice of law” has been added.

7 The changes to Rule 34(h) would (1) extend the timeframe the Court would
8 accept a passing score on the Multistate Professional Responsibility Examination
9 (“MPRE”) and (2) increase the number of permissible attempts to earn Arizona’s
10 minimum acceptable score on the UBE to be eligible for admission by transfer of
11 UBE score.

12 Changes to Rule 34(l) clarify (1) that an applicant’s failure to resolve character
13 and fitness application deficiencies within a specific time period will result in the
14 application being designated as abandoned by the Committee, and (2) the process
15 for continuing the application after abandonment.

16 **Rule 35**

17 Language is added to Rule 35(b)(2) permitting the Court to change the grading
18 or scoring system for the written portions of the UBE.

19 A reference to Rule 37(c) with respect to publication of the bar examination
20 results is added to Rule 35(b)(3).

1 Changes to Rule 35(b)(5) create a mechanism by which testing
2 accommodation determinations shall be made by either the Committee on
3 Examinations or by three-person panels appointed from Committee membership.

4 Rule 35(b)(8) changes remove unnecessary and confusing language and align
5 with changes to MPRE score acceptance for Rule 34(h).

6 Added language to Rule 35(b)(10) created to process for applicant expulsion
7 from the Arizona bar examination, temporary score withholding, and nullification
8 of an Arizona examination score.

9 Changes to Rule 35(c) increase the number of times an applicant may sit for
10 the UBE before receiving permission from the Committee on Examinations and
11 permit an application to provide the Committee with information regarding good
12 cause or change in circumstances when submitting a written request to sit.

13 **Rule 36**

14 Changes to Rule 36(b) expand the requirement of the Committee on Character
15 and Fitness regarding applicant's conduct regarding serious crimes to include when
16 an applicant's felony conviction is expunged or set aside, or when professional
17 licensure or certification has been denied in any jurisdiction.

18 Language is added to Rule 36(g)(6) requiring the chair of the Committee on
19 Character and Fitness to establish the procedures associated with a hearing on a
20 notice of violation of an order of conditional admission.

