

1 **APPENDIX**

2 Additions are shown by underline; deletions are shown by ~~strikethrough~~.

3
4 **Rule 34. Application for Admission**

5 (a) through (b) [No changes]

6 (c) **Application and Character Report Materials.** Any person desiring to be
7 admitted to the practice of law in the State of Arizona must submit to the Committee
8 on Character and Fitness an application in the form supplied by the Committee. The
9 application for admission must be accompanied by required supporting documents
10 and application fee.

11 1. [No changes]

12 2. An ~~applicants~~ applicant for admission on motion or admission by transfer of
13 uniform bar examination score shall submit character investigation materials
14 together with the application.

15 (d) [No changes]

16 (e) **Arizona Uniform Bar Examination Application Filing Schedule; Fees**

17 1. and 2. [No changes]

18 3. When an application to take the Arizona uniform bar examination is properly
19 filed with required supporting documents, the applicant shall be ~~promptly~~ notified
20 prior to the examination that the application is in order and that the applicant is
certified to sit for the Arizona uniform bar examination, specifying the time and
place of such examination.

(f) **Admission on Motion.**

1. An application who meets the requirements of (A) through ~~(H)~~ (G) of this
paragraph (f)(1) may, upon motion, be admitted to the practice of law in this
jurisdiction.

The applicant shall:

1 A. either (i) have been admitted by bar examination to practice law in another
2 jurisdiction allowing for admission of Arizona lawyers on a basis equivalent to
3 this rule and primarily engaged in the active practice of law in one or more state(s)
4 territories or the District of Columbia for three of the five years immediately
5 preceding the date upon which the application was filed, or (ii) have been
6 admitted by bar examination to practice law in another jurisdiction that does not
7 allow for admission of Arizona lawyers on a basis equivalent to this rule and
8 thereafter were admitted to and engaged in the active practice of law in another
9 jurisdiction allowing admission of Arizona lawyers on a basis equivalent to this
10 rule for three of the five years immediately preceding the date upon which the
11 application is filed;

12 B. [No changes]

13 ~~C. have been primarily engaged in the active practice of law in one or more
14 states, territories, or the District of Columbia for three of the five years
15 immediately preceding the date upon which the application is filed;~~

16 ~~D.~~ submit evidence of a passing score on the Multistate Professional
17 Responsibility Examination as it is established in this jurisdiction;

18 ~~E.~~ establish that the applicant is currently a member in good standing in all
19 jurisdictions where admitted;

20 ~~F.~~ establish that the applicant is not currently subject to lawyer discipline or
the subject of a pending disciplinary matter in any other jurisdiction;

~~G.~~ establish that the applicant possesses the character and fitness to practice
law in this jurisdiction; and

~~H.~~ submit evidence of successful completion of the course on Arizona law
described in paragraph (j) of this rule.

2. For the purposes of this rule, the “active practice of law” shall include the
following activities, if performed in a jurisdiction in which the applicant is admitted,
or if performed in a jurisdiction that permits such activity by a lawyer not admitted
to practice; however, in no event shall any activities that were performed in advance
of bar admission in some state, territory or the District of Columbia be accepted
toward the durational requirement:

A. through F. [No changes]

1 G. service as corporate counsel in Arizona ~~before January 1, 2009 or~~ while
2 registered pursuant to Rule 38(h)(a). Active practice performed within Arizona
3 pursuant to Rule 38(h)(a) may be applied to meet active practice requirements
4 found in Rule 34(f)(1)(A)(ii) provided all other requirements of Rule 34(f) are
5 met.

6 3. [No changes]

7 4. For purposes of the rule “primarily engaged in the active practice of law” shall
8 mean (i) the applicant has devoted more than half time during each of the three years
9 to one or more of the activities described in (f)(2)(A) through (G), and (ii) the activity
10 would be considered the unauthorized practice of law if performed by someone other
11 than a licensed attorney.

12 45. An applicant who has failed a bar examination administered in this
13 jurisdiction or who has passed the uniform bar examination in another jurisdiction
14 but failed to achieve the Arizona scaled score within five years of the date of filing
15 an application under this rule shall not be eligible for admission on motion.

16 56. The Court shall approve jurisdictions considered “reciprocal” to Arizona,
17 and the Committee shall publish and make available a list of reciprocal jurisdictions.

18 **(g) Admission on Motion Application Filing; Fees.** Any applicant seeking
19 admission on motion to the practice of law in Arizona must meet the requirements
20 of paragraph (f) of this rule and shall:

1 shall file an application for admission on motion, including character
2 investigation information, in a manner established by the Court, including all
3 required supporting documents, and

4 2. shall pay the application fee as established by the Court; and

5 3. may request that the Committee perform an initial review of the applicant’s
6 application to determine whether the applicant meets the active practice requirement.
7 The request must be received prior to the Committee commencing its investigation.
8 Upon applicant’s written request, the Committee shall determine whether applicant
9 meets the active practice requirement and provide the applicant with a written
10 determination. If applicant fails to meet the active practice requirement, the
11 Committee shall refund that portion of the application fee as determined by the
12 Court.

13 **(h) Admission by Transfer of Uniform Bar Examination Score.**

1
2 1. An applicant who has taken the uniform bar examination in another
3 jurisdiction and who meets the requirements of (A) through (G) of this paragraph
(h)(1) may be admitted to the practice of law in this jurisdiction.

4 The applicant shall:

5 A. and B. [No changes]

6 C. submit evidence of a passing score on the Multistate Professional
7 Responsibility Examination as it is established in this jurisdiction, earned within
8 five eight years of the date of application or within the time frame for taking the
oath of admission after the successful bar examination in order to have the
applicant's score accepted by the Committee on Examinations;

9 D. through G. [No changes]

10 2. [No changes]

11 3. An applicant who failed to earn the minimum acceptable score established by
12 the Committee on Examinations within ~~three~~ six attempts, regardless of where the
13 uniform bar examination was taken, shall not be eligible for admission by transfer
14 of uniform bar examination score under this paragraph.

15 4. [No changes]

16 (i) through (k) [No changes]

17 **(l) Deficiency in Character Report Materials.** If the Committee on Character
18 and Fitness finds that the character report materials are deficient, the Committee
19 shall advise the applicant in writing of the deficiency and shall allow a reasonable
20 time for the applicant either to submit additional written information or relevant
documentation, or to correct or otherwise remedy the defects in the applicant's
supporting documents. Thereafter, if such deficiencies have not been cured within
the designated time period, the application shall be considered abandoned by the
applicant and the Committee's ~~may abandon processing and~~ review of the
investigation into the applicant's character shall cease, and the Committee shall
advise applicant of such abandonment and the reasons therefore. If the application
has been abandoned for more than one year and the applicant later seeks to continue
the admission process, applicant must submit a new application and associated fees.

1 **(m) Request to Withdraw or Defer Application.** An applicant who seeks
2 admission by Admission by Motion, Uniform Bar Examination or Uniform Bar
3 Examination Score Transfer and submits an associated Character and Fitness
4 Application may not withdraw an application or defer an admission decision without
5 permission of the Committee. The chair of the Committee or the chair's designee
6 may grant the request to withdraw or defer upon a determination of good cause.
7 Good cause must be established by facts not in existence at the time of the
8 application and may not be granted after the Committee's discovery of information
9 of admission issues which may adversely impact the applicant's admission.

6 **(m)(n) Failure to Meet Standards; Effect on Time for Reapplication.** If the
7 Committee or the Court has denied an applicant admission to the practice of law by
8 reason of the failure to meet the standards required by paragraph (b) of this rule, such
9 applicant may not reapply for a period of five years from the date of denial of
10 admission, unless the Committee or the Court orders otherwise.

9 **(n)(o) Completion of Professionalism Course.**

10 1. and 2. [No changes]

11 **Rule 35. Examination Requirements**

12 **(a)** [No changes]

13 **(b) Examination Subjects; Grading.**

14 1. [No changes]

15 2. Unless otherwise directed by the Court, The the Committee on Examinations
16 may use such grading or scoring system for the Multistate Essay Examination and
17 Multistate Performance Test as the Committee on Examinations, in its discretion,
18 deems appropriate. Answers to the Multistate Essay Examination shall be graded
19 according to generally applicable principles of law. Raw scores on the Multistate
20 Essay Examination and the Multistate Performance Test shall be scaled to the
Multistate Bar Examination scores according to the method approved by the
National Conference of Bar Examiners for jurisdictions that administer the uniform
bar examination.

20 3. An applicant who takes the uniform bar examination in Arizona or seeks to
transfer a uniform bar examination score from another uniform bar examination
jurisdiction will be deemed to have satisfied the requirements of the Arizona uniform

1 bar examination if the applicant achieves a scaled score equal to or greater than the
2 minimum acceptable score established by the Committee for the test administration,
3 under conditions consistent with the practices and procedures of the Committee on
4 Examinations and the National Conference of Bar Examiners. The passing score for
5 each test administration shall be posted on the Supreme Court Website. Results of
6 the bar examination will be published in accordance with Rule 37(c) and mailed or
7 e-mailed at such dates and times as the Committee deems appropriate. Arizona bar
8 examination attempts prior to adoption of the uniform bar examination, successful
9 or unsuccessful, shall be considered equivalent to the Arizona uniform bar
10 examination for purposes of these rules.

11 4. [No changes]

12 5. Testing accommodations will be provided for an Arizona uniform bar
13 examination applicant demonstrating a disability to the extent such accommodations
14 are reasonable, consistent with the nature and purpose of the examination, and
15 necessitated by the applicant's disability. An applicant seeking an accommodation
16 shall file a request for testing accommodation in such form as prescribed by the
17 Committee. A fully completed request for accommodation, including supporting
18 documentation, shall be submitted with the application for the examination in
19 accordance with filing deadlines as set by the Court. Accommodation
20 determinations shall be made by the Committee or, upon approval of the Committee
chair, by three-person panels appointed from Committee membership by the
Attorney Admissions manager or designee.

21 6. and 7. [No changes]

22 8. An applicant by Arizona uniform bar examination ~~or transfer of uniform bar~~
~~examination score from another jurisdiction~~ must submit proof satisfactory to the
23 Committee on Examinations that the applicant has taken the Multistate Professional
24 Responsibility Examination and received a minimum acceptable score within ~~two~~
25 ~~(2)~~ eight (8) years ~~before~~ of the successful Arizona bar examination or within the
26 time frame for taking the oath of admission after the successful bar examination in
27 order to have the applicant's score accepted by the Committee on Examinations.

28 9. [No changes]

29 10. The Committee on Examinations may take action, by majority vote, to
30 enforce the Committee's own conditions, practices, and procedures, as well as those
of the National Conference of Bar Examiners, including expulsion from the
examination, temporary withholding of a score, or nullification of a score. The
Committee on Examinations may vote to expel an applicant from the examination

1 and/or temporarily withhold a score. The Committee on Examinations may vote to
2 nullify a score after the applicant is provided an opportunity for a hearing which
3 shall follow the format and procedures outlined in Rule 36.

3 **(c) Subsequent Examinations; Role of Committee on Character and Fitness**

4 1. An applicant failing to pass ~~one~~ the uniform bar examination in any
5 jurisdiction may apply to sit for ~~two~~ subsequent uniform bar examinations in Arizona
6 if the applicant meets all requirements listed in Rule 34(b). An applicant who has
7 taken the uniform bar examination six times must receive permission from the
8 Committee on Examinations before sitting for subsequent examinations in Arizona
9 as provided in Rule 35(c)(3). The application, in the form specified by Rule 34(c),
10 shall be accompanied by the application and examination fees established by the
11 Court, all supporting documents specified in Rule 34(d) or as the Committee on
12 Character and Fitness may request and, if required by the Committee, such additional
13 investigation fee as the Committee may determine is reasonably required to properly
14 investigate the qualifications of such applicant. ~~Arizona bar examination attempts~~
15 ~~prior to adoption of the uniform bar exam, successful or unsuccessful, shall be~~
16 ~~considered equivalent to the Arizona uniform bar examination for purposes of these~~
17 ~~rules.~~

12 2. [No changes]

13 3. An applicant taking the uniform bar examination ~~three~~ six times in any
14 jurisdiction and failing to earn the minimum acceptable score established by the
15 Committee on Examinations will not be permitted to take a further examination,
16 unless all requirements listed in Rule 34(b) are met, and the Committee on
17 Examinations grants permission for the applicant to write another examination in
18 Arizona. The applicant shall submit a written request to the Committee on
19 Examinations stating the additional study and preparation that the applicant has
20 made to qualify for further examination or other good cause or change in
circumstances that would affect the applicant's performance on the examination. If
the Committee finds reasonable cause to believe the applicant may successfully pass
a further examination, it shall grant permission to sit for the additional Arizona
uniform bar examination. ~~Arizona bar examination attempts prior to adoption of the~~
~~uniform bar exam, successful or unsuccessful, shall be considered equivalent to the~~
~~Arizona uniform bar examination for purposes of these rules.~~

1 (d) [No changes]

2
3 **Rule 36. Procedure Before the Committee on Character and Fitness**

4 (a) [No changes]

5 (b) **Determination of Character and Fitness; Burden of Proof; Relevant**
6 **Factors and Evaluation.** The applicant has the burden of proving good moral
7 character by clear and convincing evidence. The Committee must, in determining
8 the character and fitness of an application to be admitted to the state bar, review,
9 consider and evaluate the traits, characteristics, criminal history, and conduct set
10 forth.

11 1. [No changes]

12 2. *Conviction of a Crime and other Conduct.*

13 A. [No changes]

14 B. The Committee, acting through one of its panels, must transmit to the clerk
15 of the Court prior to admission any recommendation for admission of an
16 applicant who has ~~been~~ (i) been convicted of a misdemeanor involving a serious
17 crime, (ii) been convicted ~~or~~ of any felony, (iii) committed conduct resulting in a
18 felony conviction that was subsequently expunged or set aside, or (iv) been
19 denied of professional licensure or certification in any jurisdiction ~~to the clerk of~~
20 ~~the Court prior to admission.~~

3. and 4. [No changes]

(c) [No changes]

(d) **Further investigation.**

1. through 3. [No changes]

4. Notwithstanding the above provisions, an applicant must not be recommended
for admission without at least an informal inquiry pursuant to paragraph (e) in any
cases in which the investigation reveals and the investigating member determines

1 that there are allegations of serious misconduct by the applicant, whether or not such
2 conduct resulted in a criminal conviction, that involve:

3 A. commission of a violent crime;

4 B. fraud, deceit or dishonesty on the part of the applicant that has resulted in
5 damage to others;

6 C. neglect of financial responsibilities due to circumstances within the control
7 of the applicant; or

8 D. disregard of ethical or professional obligations; or

9 E. denial of professional licensure or certification in any jurisdiction.

10 (e) **Informal Inquiries.** Informal inquiries must be held in cases involving
11 allegations of serious misconduct specified in paragraph (d)(4) above and may also
12 be held in other cases as determined by the investigating member.

13 1. through 4. [No changes]

14 5. *Decision.* The inquiry panel's decision ~~shall~~ must be in writing.

15 A. through D. [No changes]

16 (f) [No changes]

17 (g) **Conditional Admission**

18 1. through 5. [No changes]

19 6. *Violation of Order of Conditional Admission.* Upon determining that the
20 conditional admittee has materially violated the terms of the conditional admission,
bar counsel must file a notice of violation with the Committee and serve a copy on
the conditional admittee. The filing of a notice of violation will automatically extend
the conditional admission until the matter is resolved by the Committee. As soon as
practicable, the Committee must hold a hearing to determine if the order has been
violated. The Committee chair, by order, shall establish the procedures associated
with such hearing. The hearing panel for the violation hearing will consist of at least
a majority of the current members of the Committee. The Chair or his or her designee

1 will preside over the hearing. Bar counsel must prove a material violation by a
2 preponderance of the evidence. The Committee's decision will require a concurrence
3 of a majority of the panel members. If the Committee determines that a material
4 violation has been proved, the Committee may revoke, extend, or modify the Order
5 of Conditional Admission. The Committee's decision is final subject to the filing of
6 a petition for review pursuant to paragraph (h). If the Committee determines that
7 there was a material violation of the terms based on a violation of the ethical rules
8 but did not revoke the Order of Conditional Admission, the Committee may refer
9 the matter to the State Bar for discipline proceedings pursuant to Rule 55.

7. and 8. [No changes]

(h) [No changes]

9 **Rule 37. Miscellaneous Provisions Relating to Admissions**

10 (a) and (b) [No changes]

11 (c) **Retention and Confidentiality.** The records of applicants for admission to
12 the practice of law shall be maintained and may be destroyed in accordance with
13 approved retention and disposition schedules pursuant to administrative order of the
14 Court, pursuant to Rule 29, Rules of the Supreme Court. The records and the
15 proceedings concerning an application for admission shall remain confidential,
16 except as otherwise provided in these rules. Bar counsel shall be allowed access to
17 the records of applicants for admission and the proceedings of the Committee
18 concerning an application for admission in connection with the duties set forth in
19 Rule 36(a)(2)(C). In addition, the Committee on Character and Fitness and the
20 Committee on Examinations, or the Committees' designated staff, may

1. [No changes]

2. publicly announce the names of the applicants who have successfully
completed the examination, except for applicants who applied in accordance with
Rule 34(b)(2) and who have not satisfied the evidence of graduation requirement;

1 3. report to the law school from which the applicant graduated the applicant's
2 status as pass, fail, or withdrew from examination, except for applicants who applied
3 in accordance with Rule 34(b)(2) and who have not satisfied the evidence of
4 graduation requirement; and

5 4. disclose to an applicant, as required by Rule 36(e) and (f) ~~paragraphs (e) and~~
6 ~~(f) of this rule~~, evidence to be used at the hearing.

7 **(d) and (e)** [No changes]