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

9 In the Matter of:

Supreme Court No. R-20-0026

10 **PETITION TO AMEND RULE 32**  
11 **OF THE ARIZONA RULES OF**  
12 **SUPREME COURT**

**COMMENT OF**  
**THE STATE BAR OF ARIZONA**

13 Pursuant to Rule 28(e) of the Arizona Rules of Supreme Court, the State Bar  
14 of Arizona (the “State Bar”) hereby submits the following as its comment to the  
15 above-captioned Petition.

16 The Petition appears to be seeking to amend Rule 32, Ariz. R. Sup. Ct., by  
17 inserting the right to a jury trial in attorney disciplinary proceedings. Although not  
18 specifically stated in the Petition, the introductory comments on the Court’s Rules  
19 Forum indicate the Petitioner seeks not only a jury trial, but with a jury panel  
20 inconsistent with the constitutional structure of either twelve or six jurors (Forum  
21 comment, Jan. 10, 2020, 9:12 pm).

22 Additionally, Petitioner seeks to vest original jurisdiction in a *de novo*  
23 proceeding, in the Superior Court. Such a structure would upend the existing  
24  
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1 attorney-discipline appellate process, somehow vesting jurisdiction on the ultimate  
2 issue in a court which is inferior to the court which has the original and exclusive  
3 jurisdiction in the matter. The imposition of sanctions, under Rules 58 and 59, are  
4 the province of the Supreme Court. Yet, this petition proposes a subsequent right to  
5 a jury trial as the final finder of fact in a structure that would overrule the findings  
6 of the disciplinary process and usurp the Court's authority.  
7

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9 The State Bar submits that a jury trial is inappropriate for proceedings under  
10 the Arizona Supreme Court's original jurisdiction over attorney disciplinary  
11 proceedings, which are "neither civil nor criminal, but are *sui generis*," Rule 48(a).  
12

### 13 CONCLUSION

14 For the reasons stated above, the State Bar of Arizona respectfully requests  
15 that this Petition be denied.

16 RESPECTFULLY SUBMITTED this 1<sup>st</sup> day of May, 2020.

17  
18 /s/ Lisa M. Panahi  
19 Lisa M. Panahi  
20 General Counsel

21 Electronic copy filed with the  
22 Clerk of the Supreme Court of Arizona  
23 this 1<sup>st</sup> day of May, 2020.

24 by: Patricia Seguin  
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