

ATTORNEY REGULATION ADVISORY COMMITTEE

MINUTES

Wednesday, March 5, 2014
9:30am - Noon

State Courts Building
1501 West Washington Street, Phoenix, Arizona
Conference Room 109

Present

Hon. William J. O'Neil
Alan Bayham – 9:39 a.m.
George Riemer
J. Scott Rhodes
Bennie Click
Ronald R. Watson
John Tuchi
Patricia Sallen

Telephonically Present

Emily Johnston
Maret Vessella

Absent

Hon. Lawrence Winthrop
James Drake
Pamela Treadwell-Rubin

Staff

Josh Rayes
Kathleen Curry
Mark Wilson – 9:39 a.m.
Emily Holliday
Jennifer Davy

Regular Business

9:33 a.m.	Call to Order and Introductions	Judge William O'Neil, Chair
	Address to Committee	Chief Justice Rebecca White Berch
	Farewell Presentation to John Tuchi	Chief Justice Berch, Judge O'Neil

Business Items and Potential Action Items

No. 1 Review and Approve January 2014 ARC minutes
Approved as submitted

No. 2 Update by Subcommittees

▪ Admissions – John Tuchi

All of the motions adopted in the January ARC meeting were incorporated into the Rule 36 petition filing. At the ARC Admissions subcommittee meeting in March it was decided that an additional proposed change will be drafted as a comment to be submitted by the subcommittee.

▪ Costs – Pamela Treadwell-Rubin

No updates at this time.

▪ Rules – Judge O’Neil

The Rules Subcommittee voted 5 to 1 to support permanent disbarment and recommends that ARC support permanent disbarment.

Motion: Provide comments to the court in support of permanent disbarment

Moved by: By the Rules Sub-Committee

Carried: None opposed.*

The Rules Subcommittee voted 6-0 to support the Misc. Catch All Rule petition, with grammatical error corrections. The subcommittee recommends under the default process adopting the alternate language for proceeding without a default.

Motion: Provide comments to the court in support of the Misc. Catch All Rule including support for the alternative language doing away with default process.

Moved by: The Rules Subcommittee

Carried: None opposed.*

*Pat Sallen indicated that her vote is personal and does not represent the vote of the State Bar of Arizona.

No. 3 ARC Annual Report

Judge O’Neil

Report is due April 30, 2014.

Draft is to be sent to committee members for comment and approval prior to deadline.

No. 4 Update by Chair on Future Business

Judge O’Neil

- Continue to tighten rules. Judge O’Neil has requested court administration to consider a general review for all aspects of the system so public and others can give comment. Court action on current petitions may assist the committee in deciding what to address next.
- Judge O’Neil recommended outlining a refined readmission process that more formally incorporates In Re Arrota.. Scott Rhodes volunteered to participate in readmission rule refinement.
- Ben Click brought to the committee’s attention the American with Disabilities Act issue. John Tuchi commented that Arizona does not impose conditions based on mental health conditions but on conduct which may be a result of such conditions.

- Emily Holliday contributed more details regarding the latest developments with the National Conference of Bar Examiners “model character report” at issue. Related materials were electronically sent to committee members after the meeting.
- Ben Click noted hearing the Military Spouse Rule mentioned in the local media. Emily Holliday provided an update that no Military Spouse applications have been received to date.
- Scott Rhodes was tasked with providing awareness regarding proposed permanent disbarment rule and opportunities for interested parties to provide comment.

No. 5 Call to Public
None

Meeting Adjourned: 10:02 a.m.