

# ATTORNEY REGULATION ADVISORY COMMITTEE

## MINUTES

Tuesday, June 17, 2014  
2:00 p.m. – 4:00 p.m.

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

### **Present**

Hon. Lawrence Winthrop  
Hon. William J. O'Neil  
Alan Bayham  
Mary M. Grier  
Edward Novak  
George Riemer  
Maret Vessella  
Ronald R. Watson

### **Telephonically Present**

Bennie Click  
Anne B. Donahoe  
Emily Johnston  
Patricia Sallen

### **Absent**

J. Scott Rhodes  
Pamela Treadwell-Rubin

### **Staff**

Kathleen Curry  
Mark Wilson  
Emily Holliday  
Jennifer Davy  
Tara Wienke

### **Regular Business**

2:05 p.m. Call to Order and Introductions Judge Lawrence Winthrop, Chair

### **Business Items and Potential Action Items**

*No. 1* Review and Approve March 2014 ARC minutes

**Motion:** Approve as Submitted

**Moved by:** Judge Winthrop

**Carried:** None opposed

*No. 2* Update by Subcommittees

- Admissions – Judge Winthrop would like Mr. Novak and Ms. Grier to Co-Chair the subcommittee
- Costs – Nothing to report, nothing pending
- Rules – Nothing to report, petitions in front of court now

*No. 3* Discuss Rule 46

George Riemer/Maret Vessella

- Timing of judicial resignation- In two recent situations, judges resigned; Court imposed a two year suspension in the one matter

- Rule 46-C. Ms. Vessella noted that it became apparent in the above matter that there is some constraint on the ability to make a sanction equally for judges and lawyers under the current rule
- Potential difficulties protecting the public when a judge can resign and return to practice as an attorney where there are certain levels of misconduct

**Action:** Assigned to Rules subcommittee by Judge Winthrop

- No. 4*      Discuss comment filed under ARC's Rule 36 petition      Emily Holliday
- Rule 34- filed as comment to Rule 36 petition
  - JD required for exam applicants, Rule 34 can be construed differently
  - This comment was appended to ARC committee rule petition under Emily's name rather than as a comment made by ARC as a Committee
- Motion:** Authorize ARC to reply in support of comment  
**Moved by:** Alan Bayham  
**Second:** Judge O'Neil  
**Carried:** None opposed
- No. 5*      Discuss early examination program      Emily Holliday  
                   Update on February exam
- Emily gave a verbal update of the February 2014 exam:
    - 37 people participated, 1 from Summit, 24 from UofA, and 12 from ASU
    - Program pass rate was higher than overall February pass rate
    - Students judged the program as a success
  - Emily will have more information at the September 10 Meeting
- No. 6*      Discuss comments received for pending rule petitions      Kathy Curry  
**Permanent disbarment**
- Mark Harrison and Ralph Adams opposed permanent disbarment
- Rule 36**
- Mark Harrison filed a comment agreeing with much of rule
  - Dave Byers submitted a comment indicating monitoring of the individual would remain with admissions rather than going to the state bar under conditional/temporary admission
  - ARC members requested time to read petition and comments and decide on comments
  - Response due by June 20
  - Judge Winthrop will meet with staff to discuss reply
- No. 7*      Update by Chair on Future Business      Judge Winthrop  
                   Next meeting set for Sept. 10  
                   Possible topic Rule 38  
                   Pro Hoc Vice fees tabled, nothing for ARC to do at this point,  
                   Petition pending - to be decided in August
- No. 8*      Call to Public      Judge O'Neil  
                   None

Meeting Adjourned: 3:09