

ATTORNEY REGULATION ADVISORY COMMITTEE
MINUTES

Wednesday, November 6, 2013

9:30am - Noon

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

Present

Telephonically Present

Absent

Committee Members

Hon. William J. O'Neil (Chair)
Hon. Lawrence Winthrop
Alan Bayham
Ben Click
James Drake, Jr.
George Riemer
Patricia Sallen
John Tuchi

Emily Johnston

J. Scott Rhodes
Pamela Treadwell-Rubin
Ronald R. Watson

Amy Rehm for Maret Vessella

Staff

Emily Holliday
Mark Wilson
Jennifer Davy

Kathleen Curry

Regular Business

9:35 a.m. Call to Order and Introductions

Judge William O'Neil, Chair

Business Items and Potential Action Items

No. 1 Review and Approve September 2013 ARC minutes

- Correction – Judge O'Neil
 - Item number 5 - Strike “per court”

Motion: Approve September 2013 ARC minutes as amended

Motion by: Patricia Sallen

Seconded by: George Riemer

Carried: None opposed

No. 2 Update by Subcommittees

- Costs – George Riemer
 - Memorandum – Pamela Treadwell-Rubin
 - Recommend that no further action be taken at this time
- Rules – Judge O'Neil
 - Rules discussion to coincide with Admissions discussion
- Admissions – John Tuchi
 - Character & Fitness Focus
 - Draft Memorandum of Proposed Recommendations and Options
 - Option 1 – First Tier of Review
 - Option 1 – Second Tier of Review
 - Option 2 – PDJ and smaller panel for review
 - Structural recommendation for clean files
 - Discussion regarding proposed options
 - Acting PDJ
 - Blind rotation
 - Include process descriptor for benefit of applicants
 - Size of committee
 - Formal and Informal processes
 - Potential for complaint of PDJ bias
 - Call to consensus on proceeding with Rule drafting – Judge O'Neil
None opposed
 - Recommendation
 - Tier 1 interview process and Tier 2 PDJ process
 - Tier 1 informal interview process and staff clearance of clean files
 - Informal interview recording option neither mandatory nor prohibited

Motion: Pre-Process - staff empowered to approve clean files without formal committee action

Motion by: Judge O'Neil

Carried: None opposed

Motion: First tier option for informal interview process

Motion by: Judge O'Neil

Carried: None opposed

▪ **Second tier review**

- Option 1 Character & Fitness 5 member panel review
 - Argument for Option 1/C&F model - John Tuchi
 - Support of C&F model – Emily Johnston
- Option 2 PDJ process – Judge O'Neil
- Propose modification/blend Option 1 & 2 – Judge O'Neil

Motion: for PDJ/3 member panel

Motion by: George Riemer

Seconded by: None

Not carried

Motion: Modified option 2 for PDJ panel of 5 members

- 2 lawyer members, 2 non-lawyer members and PDJ

Motion by: John Tuchi

Seconded by: Emily Johnston

No further discussion

Carried: None opposed

▪ **Conditional Admittees** – John Tuchi

- Temporary Admission
- PDJ tasked with
 - make a finding if violation of conditions has occurred
 - reviewable determination of PDJ if revoked
 - successful completion of conditional terms
- Discussion
 - feedback loop of enhanced reporting
 - Committee makes recommendations and the court approves or denies

Motion: Temporary Admission Process

- Terms non-modifiable
- State Bar tasked with review and reporting
- Probation method before PDJ
 - Factual finding – did violation occur?
 - Determine appropriate action – maintain, modify, or revoke
 - Revocation reviewable by the court

Motion by: Judge O’Neil

Carried: None opposed

- Rules subcommittee will join Admissions subcommittee in drafting rules to present to the court in January – Judge O’Neil
 - All Rule changes pending will be presented to the court in January
 - Any court-approved Rules would be effective in 2015

No. 3 Update by Chair on Future Business

Judge William O’Neil, Chair

- None

No. 5 Call to Public

Meeting adjourned: 11:31 a.m.