

SUPREME COURT OF ARIZONA

In the Matter of a Member of) Arizona Supreme Court
the State Bar of Arizona) No. SB-26-0009-AP
)
NANCY BOURKE,) Office of the Presiding
Attorney No. 25945) Disciplinary Judge
) No. PDJ20249092
Respondent.)
_____) **FILED:06/03/2026**

O R D E R

On December 30, 2024, Presiding Disciplinary Judge ("PDJ") granted the State Bar's Motion for Judgment on the Pleadings and concluded that Respondent had violated ER 8.4(d) and Rule 54(c) by filing two separate documents in this Court that included documents subject to protective orders issued by the Cochise County Superior Court and the PDJ, (the "violation"). On November 25, 2025, the Hearing Panel issued its Decision and Order Imposing Sanctions in this matter suspending Respondent from the practice of law for six months and one day (the "sanction"). This appeal concerns only the violation and the sanction. On December 29, 2025, the PDJ denied Respondent's request for stay.

On March 6, 2026, the Court entered an order directing Respondent to file a designation of transcripts no later than March 23, 2026. The March 6, 2026 order also directed Respondent to file the certified transcripts no later than April 23, 2026. The March 6, 2026 order also granted the State Bar's Motion to Seal Exhibits to

Respondent's Motion to Extend Time.

On March 23, 2026, Respondent timely filed a Designation of Transcripts. On April 23, 2026, Respondent filed a "Motion for Extension of Time and Motion to Reconsider March 6, 2026 Order Sealing." The Court has considered the motions en banc.

Motion to Reconsider. Respondent contends that the Bar's Motion to Seal is based on a "false premise," and that "Multiple generations of Mother's side of Judge Contreras' family have been irreparably harmed by Father convincing a multitude of officials to simply take it on 'information and belief' that 'the' unidentified, non-existent 'seal and gag orders' are to be every official's weapon of choice against his child and his ex wife."

However, the State Bar's "Motion to Seal Exhibits to Respondent's Motion to Extend time Under Seal" states, "Upon information and belief, the seal and gag orders in *Contreras v. Bourke*, Cochise County Case No. DO200901390 remain in effect and the documents attached as Exhibits A and B are subject to those orders. In fact, the underlying discipline that Respondent seeks to appeal to this Court is based solely on her attaching documents to a pleading to this Court that were sealed in the same family law case without requesting that the Court seal the exhibits." Although Bar Counsel has advised the Court that Exhibits "A" and "B" are subject to a protective order in the family court proceeding, Respondent argues that they should not have been restricted. This Court is in no

position to reconsider protective orders that implicate people who are not parties to this proceeding.

IT IS ORDERED denying the Motion to Reconsider March 6, 2026 Order Sealing.

Notice of Designation of Transcripts. Respondent asks for:

- leave to build a record on items (1), (2) and (4) below;
- an extension through **August 31, 2026** to file the transcripts;
- an extension through **September 7, 2026** to serve the certified transcripts on the State Bar;
- an extension through **September 30, 2026** to file an opening brief,
- a reduced deadline on the State Bar to file an Answering Brief no later than **October 15, 2026**;
- consideration of the appeal on the merits.

Respondent filed her Notice of Designation of Transcripts timely. Respondent explains that she was only to access the underlying record in D0200901390 on April 13, 2026. Having requested audio files, Respondent provides the Disciplinary Clerk's Second Amended Notice filed April 20, 2026 ("Report") addressing the requests for these recordings.

- 1) **November 6, 2023 Case Management conference in PDJ 2023-9042, State Bar No. 19-2910.**

The Report indicates that after accessing the AOC Integrated Case Management System ("AIACS"), the Disciplinary Clerk is unable to ascertain if any proceeding was scheduled or held on that date and is unable to locate any such recording, but does have the November 6, 2023 order.

2) November 7, 2023 Final Case Management Conference in the same proceeding;

The Report indicates the Disciplinary Clerk is unable to ascertain if any proceeding was scheduled or held on that date and is unable to locate any such recording, but does have the November 7, 2023 Amended Order of Dismissal.

3) November 13, 2024 Initial Case Management Conference in PDJ 2024-9092/ State Bar No. 23-2740.

Not addressed.

4) February 12, 2025 Evidentiary Hearing on Order to Show Cause.

The Report explains:

"Evidentiary Hearing on Order to Show Cause" held on February 12, 2025 in PDJ2024-9092, AJACS does have a filed order scheduling in this matter for an order to show cause hearing re: contempt for February 12, 2025 and an OSC Order and Order Vacating Hearing filed February 13, 2025 that confirms that the hearing was held and Respondent provided testimony. However, the February 13, 2025 Order does not reflect if the proceeding was recorded or as to what recording system may have been used. . . . This Clerk has been unable to locate an[y] recording from the Liberty system or Zoom. This Clerk has confirmed that the Court's Clerk of Court and the Court's Audio-Visual department did not receive a copy of the proceeding from [previous] staff. Further, the State Bar Records Manager has confirmed that they do not have record of receiving a copy of the recording from the OPDJ.

The February 13, 2025 OSC Order and Order Vacating Hearing reflects that the PDJ "did not find Ms. Bourke to be in willful violation of the order that she participate in a settlement conference."

Respondent does not address the status of the following audio files that she has designated:

- 5) **April 29, 2025 Status Conference / Hearing re: Stay**
- 6) **July 9, 2025 Status Conference/Hearing confirming Stay over Respondent's objection.**
- 7) **September 9, 2025 Status Conference / Hearing lifting Stay**
- 8) **October 29, 2025 Aggravation/Mitigation Hearing (Zoom) Motion for Extension of Time.**

In its Response, the State Bar advises that the only relevant transcript is from the October 29, 2025 Aggravation/Mitigation hearing, which the Bar contends is available and should have been transcribed.

As to the availability of the other hearing audio files, it is not clear if these are pertinent to the finding of the violation or sanction.

As to the timing of the filing of any transcripts, Respondent suggests that that personal and financial difficulties compel the extended deadlines. She also suggests she will be seeking reinstatement following the period of suspension. To the extent Respondent is able to devote her resources to pursuing this appeal, this Court believes she would benefit from moving this matter forward if she intends to seek reinstatement.

Upon consideration of the Court en banc:

IT IS ORDERED Respondent is ordered to file a certified transcript of the October 29, 2025 Aggravation/Mitigation hearing and

serve the certified transcript on Bar Counsel no later than **July 10, 2026**. The failure to timely file the certified transcript will be deemed a waiver of arguments arising from that hearing.

IT IS FURTHER ORDERED Respondent may proceed under ARCAP 11 and file a narrative statement or agreed-upon statement to recreate the record no later than **July 10, 2026**.

IT IS FURTHER ORDERED Respondent's opening brief is due no later than **July 24, 2026**. The answering brief is due 30 days from the filing and service of the answering brief and the reply brief is due no later than 15 days after the filing and service of the reply brief.

IT IS FURTHER ORDERED No further extensions will be granted absent extraordinary circumstances.

DATED this 3rd day of June, 2026.

/s/
ANN A. SCOTT TIMMER
Chief Justice

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