

R-16-00??

December 11, 2016

Petition for Rule 28(G) Expedited Amendment of Supreme Court Rule 42.

In Rule Change Forum R-16-0037 for ARFLP Rule 72 Special Masters, Attorneys Annette Burns and Barry Brody led a group of some 100 attorneys filing in opposition to prohibiting Sua Sponte “forced” appointments of Special Masters over the objections of unwilling litigants. Petitioner is aware that these forced appointments would serve to enrich those who were petitioning this honorable Supreme Court. Seeing no disclosure of this obvious conflict of interest in their petition to the Court, Plaintiff filed a Bar Compliant 16-3179 citing ER 6.4 since in this instance the attorneys were representing themselves and thus the rule would reasonably apply.

Surprisingly, the State Bar has concluded that only clients must conform to reasonable standards of Ethical Conduct regarding disclosure of conflict of interest, but *lawyers are not held to the same ethical standards as everybody else* per the strict interpretation of ER 6.4 (Rule 42) as crafted by the Chief Justice of the Supreme Court per Article 6 Section 3 of the Arizona State Constitution.

Petitioner asserts that such a discrepancy must merely be an oversight and the following proposed language to correct this discrepancy is simple, reasonable and obvious. Thus this petition to immediately correct this simple problem using the powers vested in the Chief Justice by Art 6 Sect 3 by crafting and signing an administrative order such as the following proposed language.

(Why was the State Bar unable to recognize this problem and propose this change?)

ER 6.4. Law Reform Activities Affecting Client Interests

A lawyer may serve as a director, officer or member of an organization involved in reform of the law or its administration notwithstanding that the reform may affect the interests of a client of the lawyer. When the lawyer knows that the interests of a client may be materially benefited by a decision in which the lawyer participates, the lawyer shall disclose that fact but need not identify the client. **LAWYERS SPEAKING FOR THEMSELVES ARE SUBJECT TO THE SAME STANDARDS OF ETHICAL CONDUCT REGARDING CONFLICTS OF INTEREST AND DISCLOSURE THEREOF, AS THEIR CLIENTS.**

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