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IN THE SUPREME COURT
STATE OF ARIZONA

In the Matter of:	)	Supreme Court No. R-__-____
	)	
	)	
PETITION TO AMEND RULE 50(b),	)	
	)	
Rules of the Supreme Court	)	
	)	

Pursuant to Rule 28, Rules of the Supreme Court, the Certification and Licensing Division respectfully petitions the Supreme Court to adopt an amendment to Rule 50(b), Rules of the Supreme Court, governing the appointment of members to the Attorney Discipline Probable Cause Committee (the "Committee") as proposed below.

I. Background and Purpose of the Proposed Rule Amendment

Effective January 1, 2011, the Supreme Court, pursuant to Rule 50, Rules of the Supreme Court, created the Committee. The Committee is comprised of nine members serving three-year terms. No Committee member may be appointed to more than two three-year terms. By Rule there are six attorney members and three public (non-attorney members). All Committee members are appointed by the Supreme Court. Among other tasks, the Committee was formed to review any State Bar recommendation regarding attorney discipline other than certain dismissals of a charge. Rule 55(c), Rules of the Supreme Court.

Since January 1, 2011, the Committee has met on a regular bases to consider State Bar investigation presentations and determine whether (i) probable cause exists to authorize the State Bar to file a formal complaint; (ii) to impose discipline; (iii) to order diversion, or (iv) to dismiss the charge. Certification and Licensing Division staff is present in all meetings and, for this reason, has been able to observe the State Bar presentations and Committee deliberations.

Staff's observations have led staff to a number of conclusions:

1. The Committee's role in attorney regulation or discipline process has been successful and the Committee has appropriately provided the oversight the Supreme Court sought through the enactment of Rule 50.
2. The two term limitation placed on Committee member terms is different than the limitation imposed on other Court committees involved in attorney regulation. Neither the Committee on Examinations nor the Committee on Character and Fitness members have term limitations. *See* Rule 33(a)(3).
3. As presently enacted, Rule 50(b) does not allow reappointment of members that have served two three-year terms. This prohibition deprives the Supreme Court of the discretion to reappoint members whose experience and expertise would be beneficial to the Committee and the attorney regulation process.

The proposed modification to Rule 50(b) would remove the reappointment limitation of two three-year terms, allow the Supreme Court to consider prior Committee service and then exercise its discretion when determining whether to reappoint a Committee member to an additional term. In addition, the proposed revision removes certain language previously necessary to implement the initial appointment of Committee members.

II. Contents of the Proposed Rule Amendment

Rule 50. Attorney Discipline Probable Cause Committee

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(b)Terms of Office. The volunteer members shall be appointed for ~~fixed, staggered terms. One third of the members shall be appointed for an initial term of one (1) year, one third for an initial term of two (2) years, and one third for an initial term of three (3) years. After the initial appointments, regular terms shall be~~ three year terms, except that a member shall continue to serve until the member's successor is duly appointed. ~~Members of the committee shall be eligible to serve no more than two (2) consecutive three-year terms~~. Appointments to fill a vacancy shall be for the unexpired portion of the term and will be filled in the same manner as the original appointment.

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RESPECTFULLY SUBMITTED this 6th day of January, 2017.

By: /s/ Mark D. Wilson

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Director
Certification and Licensing Division