

**ANNUAL REPORT
OF THE
ATTORNEY REGULATION
ADVISORY COMMITTEE
TO THE
ARIZONA SUPREME COURT**

APRIL 28, 2017

ARIZONA SUPREME COURT
ATTORNEY REGULATION ADVISORY COMMITTEE (ARC)
Committee Member List
As of December 2016

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Presiding Disciplinary Judge

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ATTORNEY REGULATION ADVISORY COMMITTEE
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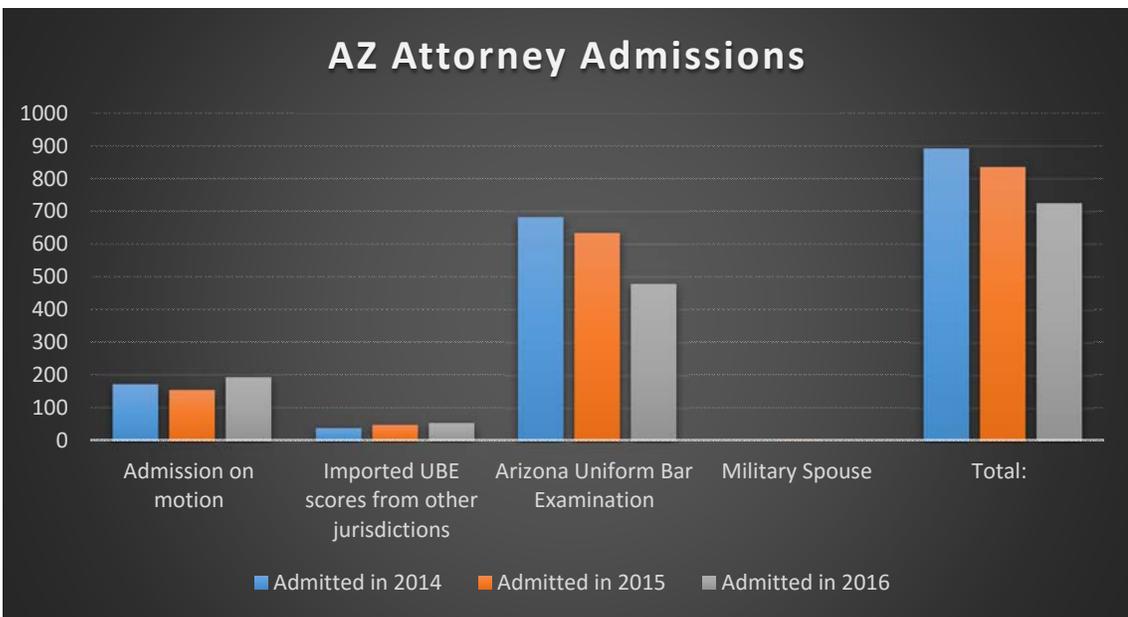
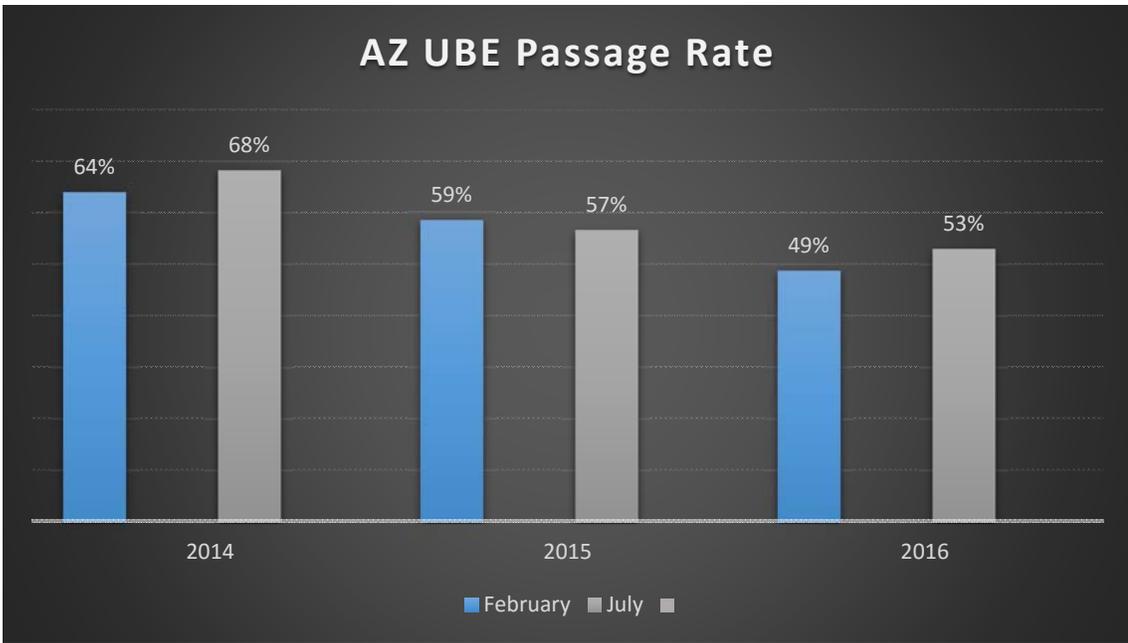
The Attorney Regulation Advisory Committee (“ARC”) was established by the Supreme Court of Arizona to periodically review the entire attorney admission and discipline system for the Court and make recommendations for any further needed changes. (Administrative Order No. 2011-44). ARC’s purpose is to review the rules governing attorney examination, admissions, reinstatement, and the disability and disciplinary processes and make recommendations regarding these rules “to reinforce lawyer competency and professionalism and strengthen the Supreme Court’s oversight of the regulation and practice of law in this state.” The Court directed ARC to submit an annual report each year by April 30. That report “shall contain case statistics on the processing of attorney admission and discipline cases and recommendations on specific issues addressed by the Committee. This report is respectfully submitted for the 2016 calendar year.

Comparative Number of Attorneys Licensed in Arizona

1990	2000	2010	2013	2016
7,579	12,991	21,374	22,954	24,088

I. The Examination/ Admission Process and Statistics Update

Arizona adopted the Uniform Bar Examination (“UBE”) in 2012 and has testing opportunities twice a year in February and July. A total of 505 applicants passed the Arizona Uniform Bar Examination in 2016, yielding an overall pass rate of 51%. **725 new attorneys were admitted in 2016:** 192 by admission on motion, 53 via imported UBE scores earned elsewhere, 1 military spouse admissions and 479 by exam.



In 2016, a total of 249 applicants who tested in Arizona requested their UBE scores be transferred to 20 different states, the most frequently to:

Colorado	22
New Mexico	45
New York	39
Washington	42

A total of 66 UBE applicants requested their scores be transferred into Arizona. Jurisdictions with the most frequently imported scores were:

Colorado	23
Missouri	7
Nebraska	9
New Mexico	6

Character and Fitness:

Each applicant for admission must submit a detailed Character and Fitness Report. The Committee on Character and Fitness is charged with reviewing and, as necessary, investigating issues raised by these reports. As part of that process, and in compliance with the 2016 guidelines established by the Arizona Supreme Court (*see* p. 8), the Committee held a total of 50 informal proceedings in 2016, with the following results:

Informal Hearings/Informal Inquiries in 2016		
Outcomes		Comments
Regular Admission	33	
Conditional Admission	2	
Referred for Formal Hearing	5	
Withdrew Application	3	
Pending	2	Committee requested further information from applicants before proceeding
Deferred	3	
Denied	1	By Arizona Supreme Court
Conversion	1	Condition to Regular Admission
Total	50	

Seven investigations in 2016 resulted in formal proceedings, with the following results:

Formal Hearings/Hearings in 2016		
Outcomes		Comments
Regular Admission	5	
Conditional Admission	0	
Denied Admission	1	
Withdrew Application	1	
Pending	0	
Total	7	

In 2016, the Chairs of the Examinations and Character and Fitness Committees responded to petitions for review regarding the following issues:

Committee on Character and Fitness Response to Petitions for Review		
Issues	Requests	Action by Supreme Court
Waiver of ABA JD Requirement	2	2 granted
Extend Exam Score	3	2 granted; 1 denied ¹
Waiver AOM Practice Requirement	0	
AOM-Diploma Privilege	0	
Comply with MPRE	0	
Motion to seal	1	1 granted
Reconsideration	1	1 denied
Total	8	8 granted/3 denied

¹ An applicant motioned the Court and was denied without prejudice to refile a petition; applicant ultimately withdrew.

Committee on Examinations Response to Petitions for Review		
Issues	Requests	Action by Supreme Court
Denial of Testing Accommodations	0	
Extraordinary Circumstance, Overturn Failing Exam Score	14	14 denied
Total	14	14 denied

ARC Action Related to Admission Issues

In 2016, the Committee on Character and Fitness focused on implementation of the 2015 Rule changes and Guidelines. An additional rule change adopted in 2016 provided for the ability of parties to request documents, primarily medical and psychological reports to be sealed by the Clerk of the Supreme Court.

Guidelines:

In June 2015, the Supreme Court issued specific guidance to the Committee on Character and Fitness regarding substance abuse and financial irresponsibility. In response, the Committee on Character and Fitness began implementing the guidelines while evaluating whether an applicant met the application burden to demonstrate fitness to be admitted to the Bar. While the Guidelines caused no noticeable change in the number of hearings in 2015, informal inquiries increased by 10 in 2016. The *Supreme Court Guidelines* for Character and Fitness are available online at: <http://www.azcourts.gov/Portals/26/admis/2015/NewCFGuidelines72015WebPostingFINAL.pdf>

Other Admissions Issues

Early Examination

In 2012, the Court approved a pilot program of early testing for law students in their last semester of law school, provided the semester was structured to allow for study and student engagement. In June 2016, ARC filed a supplemental report with final recommendations regarding early testing as ordered by the Supreme Court. The report can be found online at: <http://www.azcourts.gov/arc/Meetings/June-Meeting-Materials>

The Supreme Court officially amended Rule 34 to allow early testing as a permanent admission option effective January 1, 2017.

II. Lawyer Regulation

Administrative Order 2011-44 directs that the annual ARC report “shall contain case statistics on the processing of attorney regulation cases.”

Statistical Summary

The following comparative statistics are provided by the State Bar of Arizona, the Attorney Discipline Probable Cause Committee (“ADPCC”) and the Presiding Disciplinary Judge (“PDJ”). The statistics provide a snapshot of the regulatory process, from intake and processing of complaints, investigation and resolution, either through closure, consent, presentation to and disposition by the ADPCC, and through the formal complaint process with orders issued by the PDJ, and review by the Arizona Supreme Court.

Number of Attorneys:	2015	2016
Licensed to Practice	23,794	24,088

Summary of Regulatory Action Taken		
	2015	2016
Disbarred	12	12
Suspended	39	36
Reprimanded	25	23
Number of Informal Sanctions	80	66
Number of Diversions	86 ²	71
Number of Dismissals with Comment	186	178

² This number includes 5 diversions that were finalized in the Intake process rather than as a result of an ADPCC order.

1. Intake and Investigative Process

The Intake process is designed to achieve two specific goals: (1) resolve the greatest number of inquiries/charges at the earliest stage of the process, and (2) expeditiously move the most serious charges of misconduct into the investigation phase.

Complainants are encouraged to talk with an Intake lawyer before submitting a written charge. This approach has personalized the process and has allowed for a better and timelier evaluation of the complainant's concerns. Many charges received by Lawyer Regulation represent allegations of low-level misconduct (such as lack of communication with the client) that can be appropriately resolved by means of providing instruction to the lawyer, or directing the lawyer to resources that will quickly resolve the issue. The system provides for immediate outreach to complainants and lawyers, which provides opportunities for lawyers to resolve the issue and complainants to receive an expedient resolution.

In all cases where the State Bar decides not to proceed to investigation, the rules require an explanation to complainants regarding that decision.

The charges that are not resolved in Intake are moved on to investigation. The process of determining what charges are referred for investigation usually includes securing a written statement from the complainant and oftentimes includes gathering additional information.

Intake and Investigation		
	2015	2016
Total charges received	3,127	3,569
Number of charges referred to investigation	664	744
Number of lawyers investigated relative to the charges referred	391	499
Percentage resolved in Intake (closed)	81%	71%
Average days to resolve in Intake (closed)	27	27
Average Days to refer from Intake to Investigation	27	28
Average days for investigation	200	161

2. Attorney Discipline Probable Cause Committee

The Attorney Discipline Probable Cause Committee is a permanent committee of the Supreme Court. (*See* Rule 50.) The ADPCC has three public members and six attorney members, and it meets monthly to review the Bar's recommendations on charges. This committee is the gatekeeper for the discipline system, and it benefits from the public members' participation and their insight. After deliberation, the ADPCC may direct bar counsel to conduct further investigation, dismiss the allegations, or order one or more of the following: diversion, admonition, probation, restitution, and assessment of costs and expenses.

Additionally, if the committee believes the ethics violation(s) in question could justify the imposition of a reprimand, suspension or disbarment, it can authorize the State Bar to file a formal complaint with the Presiding Disciplinary Judge.

Before each monthly meeting, the State Bar provides respondent with a written report of investigation that includes the Bar's recommendation on the case. Respondent may provide a written response to the ADPCC. Pursuant to Rule 55(b)(2)(B), the State Bar also informs the complainant of the recommendation and the right to submit a written objection to that recommendation.

At each meeting, the Bar presents its cases orally and ADPCC members may ask questions, request additional facts, challenge the Bar's recommendations or offer their own recommendations. In 2016, the ADPCC rejected or modified the State Bar's recommendation in 22 cases. In 10 cases, the ADPCC increased the recommended sanction or disposition. In 12 cases, it decreased the State Bar's recommended sanction or disposition. The ADPCC meetings are confidential, and are not open to respondents, complainants or the public.

The ADPCC organizes its statistics in a slightly different format, tracking the number and types of orders issued:

Number of Matters³ the ADPCC Reviewed and Number of Orders Issued			
	2014	2015	2016
Number of Matters Reviewed	289	413	363
Number of Probable Cause Orders Authorizing a Formal Complaint	121	172	169
Number of Orders of Admonition	31	62	61
Number of Orders of Restitution	17	26	4
Number of Orders of Diversion	59	81	70
Denial of Appeals from State Bar Orders of Dismissal	46	49	42
ADPCC increased recommended sanctions (by charge)	4	3	10
ADPCC decreased recommended sanctions (by charge)	16	12	12
Number of ADPCC orders appealed/converted to formal cases per Rule 55(c)(4)(B) (see summary of results below)	3	4	7

Appeals from ADPCC Orders and Disposition:

Pursuant to Rule 55(c)(4)(B), attorneys receiving an order of diversion, stay, probation, restitution, admonition or assessment of costs and expenses may demand formal proceedings be instituted. In that event, the ADPCC order is vacated, and the State Bar files a formal complaint with the PDJ. In 2016, the following orders were appealed and converted to formal cases, with the following results:

³ A “matter” is defined as a State Bar action that results in an ADPCC order, and may involve multiple charges.

15-1243	appealed Restitution order; result: still on appeal
15-1734	appealed Diversion order; result: dismissal
16-0395	appealed Admonition order result: Admonition
15-2174	appealed Admonition order result: Admonition
15-3363	appealed Admonition order result: formal complaint not yet filed
14-1971	appealed Diversion order result: still open
16-0773	appealed Admonition order result: still open

3. Formal Cases

Office of the Presiding Disciplinary Judge

In 2010, the Arizona Supreme Court adopted a series of recommendations to revise the attorney regulation system. Included within those revisions was the establishment of the Office of the Presiding Disciplinary Judge. The Presiding Disciplinary Judge presides over attorney regulation proceedings. The Chief Justice appoints a pool of volunteer attorney and public members to serve on hearing panels. Each three-member hearing panel is comprised of the Presiding Disciplinary Judge, one volunteer attorney member and one public member assigned by the disciplinary clerk. The hearing panels have statewide jurisdiction over proceedings on complaints of misconduct, applications for reinstatement, contempt and any other matters designated by the Court. The hearing panels prepare findings of fact, conclusions of law and issue final decisions, subject to review by the Court. While their decisions are final they do not serve as *stare decisis* precedent for future cases nor constitute law. The Office of the Presiding Disciplinary Judge is comprised of three individuals, Judge William J. O’Neil, Paralegal Michele Smith and Disciplinary Clerk Amanda McQueen.

Under Rule 46(f)(1), the Disciplinary Clerk is designated by the Court to be the custodian of the record in all discipline, disability, and reinstatement proceedings and maintains the record. Under Supreme Court Rule 51, the PDJ may impose discipline on an attorney, transfer an attorney to disability inactive status and serve as a member of a hearing panel in discipline, disability proceedings and reinstatement hearings. Formal matters include complaints, direct consent agreements, petitions for reinstatement, petitions for interim suspension and petitions for transfer to disability. The PDJ, also reviews and issues orders on reciprocal proceedings and affidavit-based reinstatement requests under Rule 64. Rule 64 reinstatements do not require a hearing, however they allow State Bar objection and require the approval of the PDJ.

Using hearing panels has provided additional public insight and participation for the lawyer regulation system that protects the public and provides transparency. The PDJ has the authority to issue a final judgment or order imposing any sanction, including disbarment. Statistically, using the PDJ has streamlined the processing of formal proceedings.

Statistical Review

The number of formal filings through 2016 were higher than the years prior to 2015. By comparison, in 2011 there were 68 formal filings and in 2012 there were 72 formal matters filed.

The number of applications for reinstatement increased 27%. Both the complexity and the number of requests for protective orders increased substantially.

A significant increase in the average time from the filing of the formal complaint to the final order is of note. In addition there was a significant increase in the average time from a formal complaint to final order in consent agreements. One case involving two respondents involved amended complaints, which resulted in the decision dismissing the case for one respondent after 176 days. The other respondent entered a consent agreement immediately prior to the hearing resulting in 212 days for resolution. Both of these cases significantly affected the averages. An increase in amended complaints which extended discovery and hearing dates also affected averages. These amendments were typically by stipulation so that a respondent was not required to face multiple complaints. In addition there was also an overall increase in the filing of agreements shortly before the hearing.

“Formal matters” reflected in the chart include both formal complaints and pre-complaint consent agreements.⁴

Number of Formal Matters, Consent Agreements, Interim Suspension, and Reciprocal cases for the Past Four Years				
	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>
Formal Matters	79	67	97	85
Pre-Complaint Consent Agreements ⁵	27	18	37	26
Post Complaints Consent Agreements	20	32	32	22
Interim Suspension	3	3	3	6
Reciprocal Discipline	Not tracked ⁶	1	4	6

⁴ Pre-complaint consent agreements may be filed in lieu of a formal complaint. Such an agreement contains a stipulated set of facts and stipulated sanction.

⁵ The numbers in this row are a subset of the numbers in the formal-matters row.

⁶ This data was not tracked prior to 2014. These numbers are not included in the Sanctions and Outcomes table below.

Average Time from Formal Complaint to Decision Order for All Types of Cases				
	2013	2014	2015	2016
Number of Days	88	96	91 ⁷	108*

*As of 2/22/17 there are 19 formal complaint cases from 2016 that are open and/or stayed.

Average Time from a Formal Complaint to Decision Order for Contested Cases				
	2013	2014	2015	2016
Number of Days	179	151	131 ⁸	148

Consent agreements: The PDJ may accept, reject, or recommend modifications of such proposed consent agreements. In 2016, the average time on consent agreements from the filing of the formal complaint to final order increased significantly. Typically consent agreements resolve a case more expeditiously than through a default. This was untrue in 2016. Each case involves unique circumstances. One case involving two respondents involved amended complaints, which resulted in the decision dismissing the case for one respondent after 176 days. The other respondent entered a consent agreement immediately prior to the hearing resulting in 212 days for resolution. Both of these significantly affected the averages. In addition, unlike in prior years, many agreements were filed shortly before hearing. At the same time there was an increase in amended complaints extending the hearing date.

⁷ These figures do not include case number 2014-9041 (Wroblewski). The initial 50 count complaint was stayed when additional charges were received resulting in a 141 count supplemental complaint. To enable all charges to be consolidated, the first action was stayed. If included in the calculations, the average time to contested final order would increase to 214 days. Including these combined aberrational cases with a cumulative 191 counts would not present an accurate reflection of the process.

⁸ *Supra* note 9.

Average Time from a Formal Complaint to Final Order for Consent Agreements				
	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>
Number of Days	74	85	52	107

Average Time from a Formal Complaint to Decision Order for Default Cases⁹				
	2013	2014	2015	2016
Number of Days	82	110	89	88

Sanctions & Outcomes				
	2013	2014	2015	2016
Disbarment	25	13	13	14
Suspension	28	38	39	41
Reprimanded	26	18	25	24
Informal Sanctions by ADPCC	49	39	80	66
Diversions	88	73	86	71
Charges dismissed with comment	209	202	186	178

Protective Orders Issued by PDJ				
	2013	2014	2015	2016
Number of Protective Orders	Not calculated	Not calculated	54	69

⁹ The time limits imposed by rule in default cases substantially dictate the average time to a final order.

Resignation Orders in Lieu of Reinstatement Issued by PDJ				
	2013	2014	2015	2016
Number of Resignation Orders	Not calculated	6	2	7

Rule 65 Reinstatements Concluded in 2016¹⁰					
Cause Number¹¹	Applicant	Panel Report Date	Recommendation by Hearing Panel	Supreme Court Decision	Outcome
14-9035	Wolf	1/19/16	Reinstate	5/19/16	Reinstated
14-9003	Witt	5/9/16	Deny	12/12/16	<i>Pending - Remanded back to PDJ</i>
15-9051	Serafine	10/20/15	Reinstate	1/5/16	Reinstated
15-9052	Schultz	11/4/15	Reinstate	2/9/16	Reinstated
15-9066	Erlichman	2/5/16	Reinstate	3/15/16	Reinstated
15-9099	Reynolds	<i>Withdrawn</i>			
15-9108	Levine	2/22/16	Reinstate	5/19/16	Reinstated
15-9114	Abrams	4/8/16	Deny	12/13/16	<i>Pending – Remanded back to PDJ</i>
15-9119	Bradford	3/21/16	Reinstate	6/17/16	Reinstated
16-9045	Reynolds	9/19/16	Reinstate	2/15/17	Reinstated
16-9052	Lodge	<i>Withdrawn</i>			
16-9071	Tiffany	<i>Stricken</i>			
16-9073	Kramer	<i>Withdrawn</i>			
16-9097	Torre	<i>Stayed</i>			
16-9110	Abujbarah	<i>3/14/17 hearing</i>	<i>Pending</i>		

¹⁰ In Rule 65 reinstatements the Hearing Panel makes a recommendation to the Supreme Court. The Court determines whether the application should be granted, denied or dismissed. Matters identified as pending are as of 12/31/2016 and may be concluded by the time of this report.

¹¹ The Cause number assigned identifies the year the application was filed.

Disciplinary Appeals Filed in Supreme Court				
	2013	2014	2015	2016
Appeals Filed with Supreme Court	7	8	7	8

Supreme Court 2016 Rulings on Appeals from Discipline				
Cause Number	Panel Report	Order by Hearing Panel	Supreme Court Decision	Outcome
14-9041	12/11/15	Disbarment	9/6/16	Remanded. Consented to 4 years suspension
15-9048	11/9/15	6 months & 1 day	4/13/16	Dismissed
15-9030	8/24/15	60 days	3/23/16	6 months
15-9002	6/15/15	3 months	2/9/16	Affirmed
15-9055	10/16/15	1 year	n/a	<i>Appeal Withdrawn</i>
15-9115	3/7/16	Disbarment	12/13/16	Appeal Denied
15-9125	1/13/16	18 Months	7/13/16	Affirmed

4. Independent Bar Counsel

In 2001, the State Bar Board of Governors created a volunteer Conflict Case Committee (“Committee”) to timely process, investigate and prosecute all aspects of disciplinary matters that, because of the involvement (as applicants, complainants, respondents, material witnesses, or otherwise) of lawyers or others connected with the lawyer discipline system or the State Bar Board of Governors, should not be handled by counsel in the State Bar Lawyer Regulation Office due to conflict of interest concerns. Effective January 1, 2011, the Arizona Supreme Court substantially modified Arizona’s lawyer discipline system, eliminating the Hearing Officer and Disciplinary Commission positions that generated much of the Committee’s work, and replacing the State Bar Probable Cause Panelist with the Attorney Discipline Probable Cause Committee. The Court further determined that the timely, fair and impartial resolution of the cases previously assigned to the Committee and similar cases would be improved by devoting personnel and administrative resources in addition to those available using volunteers.

Accordingly, by Administrative Order 2014-11, the Court established the position of Independent Bar Counsel (“IBC”), and appointed a volunteer attorney panel to assist as necessary with the investigation and prosecution of matters assigned to IBC by the State Bar. The IBC reports quarterly to the chair of the ADPCC as to the status of all matters pending, and issues a

report annually generally describing the nature and disposition of qualifying matters resolved during the preceding year. The annual report also allows IBC to make any recommendations for improving Arizona’s lawyer admission, discipline, disability and reinstatement procedures. The following is the IBC report for 2016.

IBC’s Report Pursuant to Admin. Order 2014-11, ¶6(b)

General description of the nature and disposition of Qualifying Matters resolved by IBC during the preceding year.

This report includes cases for calendar year 2016. During that time, Independent Bar Counsel (“IBC”) received a total of four (4) new complaints. This is significantly less than those received in the past two years (IBC received fifteen (15) complaints in 2015 and twenty-eight (28) complaints¹²

4(a)(I) (Board member)	4(a)(ii) (State Bar staff)	4(a)(iii) (ADPCC member)	4(a)(iv) (lawyer previously with State Bar)	4(a)(v) (Hearing Panel member)	4(b) (Other matters assigned by Chief Justice)	4(c) (Related matter)	4(d) (Hearing Panel member)
1	2	0	0	0	0	1	0

Ten (10) matters were carried over from 2015 and a total of twelve (12) cases were resolved in 2016 with the following breakdown:

Disbarment	Suspension	Reprimand	Admonition	Diversion or “other appropriate action” per Rule 55(a)(2)(B)	Dismissal with Comment	Dismissal by IBC
0	0	0	2	0	1	9 ¹³

¹² There were actually only twenty-one (21) new complaints in 2014. Seven (7) matters were carried over from the Conflict Case Committee.

¹³ Of the nine (9) dismissals, six (6) were appealed. In all six (6) cases, the dismissal was affirmed.

IBC’s recommendations for improvements to Arizona lawyer admission, discipline, disability and reinstatement procedures.

IBC has not yet had an opportunity to become involved in matters of lawyer admission, disability or reinstatement proceedings and consequently has no suggested recommendations other than perhaps to remind those involved with lawyer admission, disability or reinstatement that she is available to assist.

Regarding the attorney discipline process, IBC notes that the administrative order creating this position, Admin. Order 2014-011, was replaced by Admin. Order 2016-44 on June 15, 2016. Although most of the order remained unchanged, Admin. Order 2016-44:

- Clarified that, “For purposes of an appeal pursuant to Rule 53(b)(2)(B), Ariz. R. Sup. Ct., the executive director of the Arizona Commission on Judicial Conduct (“Commission”) shall review IBC’s decision to dismiss a charge.”
- Specified that, “Following an assignment of a qualifying matter to IBC, any open charge or new charge opened by the State Bar that relates to the respondent attorney or the qualifying matter may be referred to IBC. *See* 4(c).
- Updated the membership of the IBC attorney panel members and provided term limits.

IBC believes these changes were necessary to effectuate the intent of the original order, which includes the “timely, fair and impartial resolution of the cases previously assigned to the Committee and similar cases. . . .”

IBC currently has no recommendation for improvements to the attorney discipline process. IBC spent the balance of her time as acting disciplinary counsel, investigating complaints about judges made to the Commission on Judicial Conduct (“CJC”). This activity is authorized by paragraph 2 of Admin. Order 2016-44.¹⁴

¹⁴ IBC investigated and analyzed 42 of the CJC’s cases in 2016, or 12%. She also provided two training sessions regarding the Code of Judicial Conduct (one for law clerks and one for judicial employees at Maricopa County Justice Court’s Summer Staff Conference) and performed other work for the CJC.

III. ARC Action on Rule-Change Petitions

During 2016, ARC participated in drafting portions of rule changes or provided comments on the following rule petitions:

- **Petition R-15-0041 – Amending Rules 46(c) and (d)**

In late 2015, ARC filed a petition that would provide the State Bar of Arizona discretion to pursue lawyer discipline against a former judicial officer. The petition also sought to clarify jurisdictional issues related to the State Bar and the Commission on Judicial Conduct related to judges with alleged misconduct as lawyers prior to being appointed to the bench and former judges returning to the practice of law that engaged in misconduct while serving as a judge. The Court adopted proposed changes so that the State Bar and Commission have concurrent jurisdiction over judges for misconduct as lawyers before becoming judicial officers. The Court did not adopt changes that would have allowed the State Bar to conduct an independent investigation for conduct that occurred once a lawyer became a judicial officer. As drafted, Rule 46 requires the State Bar to rely on the Commission's record when recommending lawyer discipline with connection to a judicial discipline proceeding.

- **Petition R-16-0014 – Amending Rules 35 and 36**

Rule 35 and Rule 36 were amended with respect to privacy issues arising from Court filings by the Committee on Examinations or the Committee on Character and Fitness when those filings contained medical reports or medical expert opinions. As amended, either the party or Committee may request that the Clerk of the Court seal medical or psychological reports prepared by a professional. Previously, such request needed to be in the form of a formal motion and granted by the Court.

- **Petition R-16-0027- Amending ER 1.2 and Rule 42**

R-16-0027 as submitted would have allowed lawyers to counsel and assist their clients in complying with state law, where the client's proposed action would violate federal law. The Committee had supported this petition. The Court denied this Rule petition.

- **Petition R-16-0023- Amending Rules (48(e), 58(d), 64(f)(1) and 65**

This petition addresses recommended changes to attorney discipline, clarifies the disability process and changes the reinstatement process utilized by the presiding disciplinary judge in attorney discipline matters. The Court amended the rule to allow for consent agreements.

IV. Potential Issues for ARC in 2017

ARC has identified a number of issues in the attorney discipline and admissions areas that it intends to explore for the upcoming year:

[ARC to consider items to add here]