

MINUTES

FOR THE

ATTORNEY REGULATION ADVISORY COMMITTEE

Wednesday, September 11, 2019

9:30 a.m. – 11:30 a.m.

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

Present

Vice Chief Justice Ann A. Scott Timmer, Chair
Hon. William J. O'Neil, Vice Chair
Hon. Lawrence Winthrop
Hon. Margaret Downie
Whitney Cunningham
David Lunn
Edward Novak
Lisa Panahi
J. Scott Rhodes
George Riemer
Elaine Sweet
Maret Vessella

Telephonically Present

Maria Hubbard
Ben Click

Absent

None

Staff

Mark Wilson
Kathy Curry
Kate Novak

9: 30 a.m. Call to Order

No. 1 Review and Approve the June 2, 2019 Committee Minutes

Motion: Approve the June 2, 2019 Committee minutes
Moved by: Hon. William J. O'Neil
Second: Edward Novak
Carried: Passed 14-0-0

No. 2 The Task Force on Delivery of Legal Services Report

Vice Chief Justice Timmer, as Chair of the Task Force, gave a presentation to the Committee on the assignment, findings and recommendations of the Task Force on Delivery of Legal Services.

This recommendation includes rule and code amendments to (1) clarify the permissible functions of a certified legal document preparer, in both document preparation and client assistance in court, (ii) permit recent law graduates to practice under the supervision of a lawyer between graduation and taking the /passing the bar exam, (iii) develop a new tier of licensed non-lawyers to provide legal services to clients, (iv) permit the co-ownership of “law firms” by non-lawyers, (v) pilot programs for the representation of domestic violence victims, (vi) create a more robust superior court navigator program and (vii) develop methods to increase awareness of existing permissible limited scope representation are under continued consideration. Vice Chief Justice Timmer informed the Committee that a report and recommendation is to be presented to the Arizona Judicial Council by October 1, 2019.

Questions and comments from Committee members were answered and discussed.

- Motion:** Approval of the concepts presented to this Committee, and for the recorded comments and concerns raised at this meeting be included with the report to the Arizona Judicial Council. ARC reserves the right to provide further comments on related rule and code change petitions.
- Moved by:** Hon. Lawrence Winthrop
- Second:** Elaine Sweet
- Carried:** Passed 14-0-0

No. 3 Discussion and Possible Future Action on Proposed Rule Amendments

o Proactive Management Based Regulation (PMBR)

Maret Vessella presented the research and findings of the PMBR subcommittee.

- Motion:** Recommendation to the Court to proceed to establish a PMBR steering committee to conduct further research and develop appropriate rules and recommend membership composition to the Court.
- Moved by:** Hon. William J. O’Neil
- Second:** Edward Novak
- Carried:** Passed 14-0-0

o Amendments to Rules 7.1-7.5 of the ABA Model Rules of Professional Conduct

Deferred.

No. 4 Update and Report on Supreme Court Rule Amendments

- o R-18-0024 Amending Rule 64(f)(1)(B) – Bar counsel findings re the need to show rehabilitation
- o R-19-0004 Amending Rule 34(b)(1)(D) – Rule 38(f) practice permission to sit for UBE
- o R-19-0010 Amending Rule 37(c) –Applicant-specific exam information disclosure to law schools
- o R-19-0011 Amending Rules 38 & 39, and Abrogation of Rule 40 – ARC Petition
- o R-19-0026 Amending Rule 70 – Scope of public access to state bar records
- o R-19-0030 Amending Rule 43 – Trust account record-keeping requirements

Mark Wilson presented and reported on the relevant amendments to the Rules of the Supreme Court. Vice Chief Justice Timmer and Kathy Curry provided additional information regarding the status of R-19-0011.

No. 5 New Business

- o Proposed 2020 Meeting Dates

Vice Chief Justice Timmer referred the Committee to the 2020 ARC meeting dates. Due to a scheduling conflict and to maintain a consistent meeting date, meetings will be held on Tuesday afternoons instead of Wednesday mornings.

- o Updates to Member Contact Information

Kate Novak requested Committee members review the internal contact information sheet and speak with her after the meeting if any information should be updated.

No. 6 Call to Public

None Present.

Next Meeting: December 11, 2019
Adjourned: 11:32 a.m.