

SUPREME COURT OF ARIZONA

In the Matter of an Application ) Arizona Supreme Court  
for Reinstatement of a Suspended ) No. SB-12-0031-R  
Member of the State Bar of )  
Arizona ) Office of the Presiding  
 ) Disciplinary Judge  
THOMAS A. CIFELLI, ) No. PDJ-2012-9018  
Attorney No. 13794 )  
 )  
Respondent. )  
 )  
 )  
\_\_\_\_\_ ) **FILED 09/26/2012**

**O R D E R**

The Court has considered Respondent Cifelli's Application for Reinstatement and the Hearing Panel's Report and Recommendation. Following the evidentiary hearing before the Hearing Panel, Respondent filed supplemental exhibits. The exhibits included documents that are required by Rule 65, Rules of the Supreme Court, to be filed with the application for reinstatement. The exhibits raised factual questions that could not be addressed by the State Bar or the panel because the exhibits were provided for the first time after the hearing.

In addition, Cifelli was suspended for more than five years at the time his application for reinstatement was filed on March 5, 2012. Rule 64(c) provides that an applicant who has been suspended for five years at the time the application for reinstatement is filed "shall be required to apply for admission and pass the bar examination as required." The issue of the bar examination requirement was not presented to or addressed by the Hearing Panel.

IT IS ORDERED that the matter shall be remanded to the Hearing Panel for further hearing and recommendation on the supplemental exhibits and the issue of the bar examination requirement.

DATED this 26th day of September, 2012.

---

REBECCA WHITE BERCH  
Chief Justice

TO:  
Thomas A Cifelli  
Joel A Gildar  
Roberta L Tepper  
Sandra Montoya  
Laura Hopkins