

IN THE SUPREME COURT OF ARIZONA

In the Matter Of:)
)
THE AUTHORIZATION OF USE OF AN) Administrative Order
ALTERNATE HEARING PANEL) No. 2011-94
MEMBER IN ATTORNEY DISCIPLINE)
MATTER; PDJ-2011-9002)
)
)
_____)

On September 7, 2011, all parties in attorney disciplinary cause No. PDJ-2011-9002 filed a Joint Stipulation Regarding Alternate Hearing Panel Member in that case, stipulating to the use of an alternate hearing panel member in case one panel member becomes unable to serve. The Disciplinary Rules do not address the use of alternate hearing panel members, but the Presiding Disciplinary Judge supports the use of an alternate hearing panel member for this lengthy hearing. Having disciplinary rules that provide for the availability of alternate hearing panel members in lengthy cases may strengthen the attorney disciplinary system.

Therefore, pursuant to Article VI, Section 3 of the Arizona Constitution,

IT IS ORDERED authorizing the use of an alternate hearing panel member as outlined by the parties' stipulation, which is attached to this order.

IT IS FURTHER ORDERED that the Attorney Regulation Advisory Committee shall review the disciplinary rules and determine if new rules or amendments to existing rules to permit the use of alternate hearing panel members would strengthen the administration of justice in attorney disciplinary cases. The Committee shall report its recommendations, which may include suggested rule revisions or new rules regarding alternate hearing panel members as it deems appropriate, before January 10, 2012.

DATED this 8th day of September, 2011

REBECCA WHITE BERCH
Chief Justice

OFFICE OF THE
PRESIDING DISCIPLINARY JUDGE
SUPREME COURT OF ARIZONA

SEP 07 2011

BY _____ FILED



1 John S. Gleason (15011)
2 Independent Bar Counsel
3 Colorado Supreme Court
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8
9 BEFORE THE PRESIDING DISCIPLINARY JUDGE
10 OF THE SUPREME COURT OF ARIZONA
11

12 IN THE MATTER OF MEMBERS OF)
13 THE STATE BAR OF ARIZONA,)

PDJ – 2011-9002

14 Rachel R. Alexander,)
15 Bar No. 020092)

16 **JOINT STIPULATION REGARDING**
17 **ALTERNATE HEARING PANEL**
18 **MEMBER**

19 Respondent.)

20 **(Assigned to Honorable. William J.**
21 **O’Neil)**

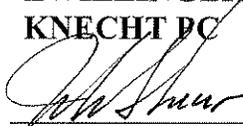
22
23 The parties hereby stipulate and agree and jointly move this Court for an order establishing
24 the following:

- 25 1) Martin Zachreson, a member of the State Bar of Arizona, shall serve as the
26 alternate Hearing Panel member in this matter. Although Mr. Zachreson is a
27 member of the State Bar of Arizona, he shall serve as an alternate for both the
28 volunteer public member and the volunteer member of the State Bar.
- 2) As such, in the event either volunteer panel member is excused from this matter by
the Presiding Disciplinary Judge, then Mr. Zachreson shall replace the excused
volunteer panel member.
- 3) In this regard, in the event Mr. Zachreson replaces the volunteer member of the
public, the parties hereby waive the provisions of Sup. Ct. R. 52(a) and any other
related authority that requires that one member of the panel be a member of the
public and not a member of the State Bar.

- 1 4) Mr. Zacherson, as the alternate panel member, shall attend the hearing in this
2 matter, be provided copies of any and all exhibits that are provided to the Hearing
3 Panel, engage in any deliberations that occur during the hearing with the other
4 members of the Hearing Panel, as provided by Ariz. R. Civ. P. 39(f) or otherwise,
5 and otherwise fully participate in the hearing of this matter except that he shall not
6 be permitted to pose questions to witnesses during their testimony pursuant to Ariz.
7 R. Civ. P. 39(b) or other authority;
8
9 5) At the conclusion of evidence in this matter but before deliberation by the Hearing
10 Panel has begun, Mr. Zacherson shall be discharged from this matter and relieved
11 of his role as the alternate Hearing Panel member unless he has already replaced
12 one of the members of the Hearing Panel as set forth above.

13 DATED this 7th day of September, 2011.

14 **ZWILLINGER GREEK ZWILINGER &
15 KNECHT PC**

16 By: 

*w/ consent of
COUNSEL*

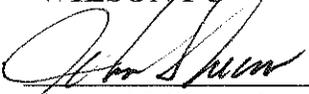
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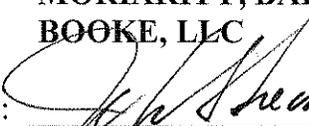
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ORIGINAL of the foregoing filed with
the Presiding Disciplinary Judge of the
Supreme Court this 7th day of September,
2011 and COPY hand-delivered to:

The Honorable William J. O'Neil
Presiding Disciplinary Judge, Suite 104
Arizona Supreme Court
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