

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
OFFICE OF THE PRESIDING)	Administrative Order
DISCIPLINARY JUDGE AND)	No. 2015 - <u>18</u>
ATTORNEY HEARING PANELS)	(Superseding Administrative Order Nos.
)	2010-83 and 2010-136
)	

This Court entered Administrative Order No. 2010-83 and Administrative Order No. 2010-136 establishing the office of presiding disciplinary judge, appointing a pool of volunteer attorney members for attorney discipline hearing panels, and implementing the new rules of the attorney discipline system that went into effect on January 1, 2011. This Court wishes to consolidate these two administrative orders and provide direction in the event allegations of attorney misconduct are made against a volunteer attorney pool member.

Pursuant to Article VI, Section 3 of the Arizona Constitution and Rules of the Supreme Court governing the regulation of the practice of law and the Court’s jurisdiction in discipline, disability, and reinstatement matters,

IT IS ORDERED that the Office of the Presiding Disciplinary Judge is established and funded as follows:

1. Presiding Disciplinary Judge. Pursuant to Supreme Court Rule 51, the position of Presiding Disciplinary Judge is established. The Supreme Court will appoint a Presiding Disciplinary Judge (PDJ) who shall serve at the pleasure of the Court. A committee, chaired by the Chief Justice, will screen applicants and recommend to the Court candidates for appointment.
2. Compensation of Presiding Disciplinary Judge. The compensation of the PDJ shall be determined by the Supreme Court. The PDJ shall be a regular full-time position and eligible for state benefits accordingly.
3. Office of the Presiding Disciplinary Judge. The Office of the Presiding Disciplinary Judge (“Office”) shall be located in the State Courts Building. The Administrative Director of the Courts may, subject to funding, authorize positions to assist the PDJ in the administration of the Office and in the performance of the judge’s duties. Employees of the Office are employees of the Supreme Court and shall be compensated at a rate approved by the Administrative Director of the Courts or his designee, in accordance with the approved employee compensation schedule. Office employees shall be eligible for state benefits pursuant to policies of the Supreme Court. Pursuant to Rule 51(c)(1) and in accordance with policies of the Supreme Court, the PDJ is authorized to appoint staff, contract for services,

and purchase equipment and supplies to carry out the duties of the Office. The personnel and operating costs of the Office of the Presiding Disciplinary Judge shall be paid by the State Bar of Arizona.

4. Disciplinary Clerk. The Disciplinary Clerk shall be an employee of the Administrative Office of the Courts. The costs related to the position and duties of the Disciplinary Clerk shall be paid by the State Bar of Arizona.
5. Filing. Formal discipline and disability cases filed by the State Bar of Arizona and applications for reinstatement filed on and after January 1, 2011, and all subsequent filings on these matters by the State Bar or Respondent, shall be filed pursuant to the amended Rules, and shall be filed electronically, unless circumstances prevent doing so. In cases on appeal, the Disciplinary Clerk shall transmit the record pursuant to Rule 59(j), as amended, electronically.
6. Hearing Panels. Pursuant to Rule 52, hearing panels are established for the purpose of holding a hearing on the merits of a contested formal complaint, an application for reinstatement to the practice of law, and any other matters designated by the court. Each hearing panel will consist of the Presiding Disciplinary Judge, a volunteer attorney member, and a volunteer public member.

Under Rule 52, the chief justice shall appoint a pool of volunteer attorney and public members for fixed, staggered three (3) year terms, to serve on the hearing panels. Pool members shall serve at the pleasure of the court and may be dismissed from service at any time by the court. Appointed volunteer attorney members may also serve as settlement officers, pursuant to Rule 52(b).

Any volunteer attorney panel member referred to a screening investigation as provided in Supreme Court Rule 55(b) or who enters into a diversion agreement prior to the state bar conducting a full screening investigation, or who is being investigated under Supreme Court Rule 63, shall immediately notify the disciplinary clerk of such circumstance. The disciplinary clerk shall immediately forward such notification to the presiding disciplinary judge. The disciplinary clerk shall appoint no such volunteer attorney pool member unless such matter is resolved and any such volunteer attorney pool member shall not volunteer to serve on any hearing panel unless such matter is resolved.

IT IS FURTHER ORDERED that this Order supersedes Administrative Order Nos. 2010-83 and 2010-136.

Dated this 25th day of February, 2015.

SCOTT BALES
Chief Justice