

IN THE SUPREME COURT OF THE STATE OF ARIZONA

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In the Matter of:	)	
	)	
APPOINTMENT OF INDEPENDENT	)	Administrative Order
BAR COUNSEL TO HANDLE	)	No. <u>2010 - 41</u>
CERTAIN LAWYER MISCONDUCT	)	(Affecting Administrative
COMPLAINTS FILED AGAINST	)	Order No. 2010-33)
MARICOPA COUNTY ATTORNEY	)	
ANDREW THOMAS	)	
_____	)	

The Supreme Court has jurisdiction over any person engaged in the practice of law within the State of Arizona, Ariz. R. Sup. Ct. 31, and all lawyers are subject to the disciplinary jurisdiction of this Court, *id.* R. 48. This Court has delegated the duty to investigate and, when necessary, prosecute lawyer discipline matters to the State Bar of Arizona.

The Executive Director of the State Bar of Arizona has requested the appointment of independent counsel to investigate allegations of misconduct against Maricopa County Attorney Andrew Thomas resulting from the findings entered by the Honorable John S. Leonardo in *State of Arizona v. Wilcox*, CR-2010-005423-001/OC-2010-005423-001, and other pending or future allegations of misconduct against Mr. Thomas stemming from related cases or matters.

Although the Office of Chief Counsel for Bar Discipline of the State Bar of Arizona would usually handle these matters, good cause exists to appoint counsel independent of the State Bar of Arizona. Counsel named as Independent Bar Counsel in Administrative Order 2010-33 has now withdrawn.

Now, therefore, pursuant to Article VI of the Arizona Constitution, and notwithstanding Rule 31, Rules of the Supreme Court and other rules concerning admission to the Arizona Bar,

IT IS ORDERED as follows:

1. The Colorado Supreme Court, Office of Attorney Regulation under the direction of Regulation Counsel, John Gleason, is appointed to serve in this matter as Independent Bar Counsel.
2. Independent Bar Counsel Gleason shall have all the power and authority granted to Bar Counsel pursuant to rules, orders, or decisions of the Arizona Supreme Court.

3. Independent Bar Counsel Gleason shall investigate and, as he determines appropriate, prosecute allegations of ethical misconduct stemming from the prosecution in *State v. Wilcox*.
4. Independent Bar Counsel Gleason shall investigate and, as he determines appropriate, prosecute any other allegations of misconduct filed against Maricopa County Attorney Andrew Thomas or lawyers in his employ, arising out of criminal investigations or prosecutions involving the Maricopa County Board of Supervisors and its staff, collectively or individually, or the judges of the Superior Court in Maricopa and their staff, collectively or individually.
5. Independent Bar Counsel Gleason shall investigate and, as appropriate, prosecute any other allegations of misconduct filed against Maricopa County Attorney Andrew Thomas, or lawyers in his employ, arising out of matters assigned by Special Master Ruth V. McGregor.
6. Independent Bar Counsel Gleason shall investigate and, as appropriate, prosecute any other allegations of misconduct that are substantially similar or related to the allegations arising out of the matters set forth in number 4 above.
7. Independent Bar Counsel Gleason may, at his sole discretion, designate lawyers to assist him and employ other staff as reasonably necessary to carry out his duties as Independent Bar Counsel.
8. Independent Bar Counsel Gleason and lawyers he designates to assist him shall be immune from civil suit and from disciplinary complaints as provided by Supreme Court Rule 48(l) and (m), respectively.

IT IS FURTHER ORDERED that:

The State Bar of Arizona shall pay reasonable fees, costs for services provided, and expenses incurred by Independent Bar Counsel Gleason as necessary to carry out the duties required by this Order.

Dated this 23rd day of March, 2010.

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REBECCA WHITE BERCH  
Chief Justice