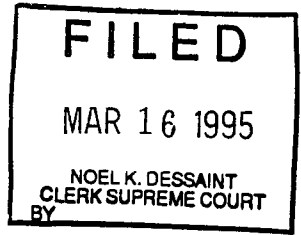


SUPREME COURT OF THE STATE OF ARIZONA



In the Matter of the)
Arizona Judicial Council)
Committee to Examine the Need) Administrative Order
and Propriety of Amending) No. 95- 22
Ethical Rule 8.3)
_____)

In accordance with Administrative Order No. 90-13, the Chief Justice may establish advisory committees to the Arizona Judicial Council to assist the Council in carrying out its responsibilities. The matter of attorney discipline is of great concern to the courts, the legal profession and the public. Ethical Rule 8.3, Rule 42, Arizona Rules of Supreme Court, requires an attorney to report to the State Bar the ethical misconduct of another attorney. There is an exception, however, for information obtained by the reporting attorney that is confidential within the meaning of Ethical Rule 1.6. Because Ethical Rule 1.6 prohibits an attorney from revealing "information relating to representation of a client, unless the client consents after consultation," in many cases the duty to preserve confidential information negates the duty to report the misconduct of other attorneys. The Arizona Judicial Council believes that an examination of Rule 8.3 is appropriate to determine whether it best serves the needs of the legal profession and the public.

NOW, THEREFORE it is ordered that the Committee to Examine the Need and Propriety of Amending Ethical Rule 8.3 is established.

1. PURPOSE

The committee shall examine the rule and its exceptions, together with the policies underlying the rule and the exceptions to determine whether the rule should be retained as written or amended.

2. MEMBERSHIP

As chair of the Arizona Judicial Council, the Chief Justice shall appoint the committee membership and leadership. The membership list is attached as Appendix A. The Chief Justice may appoint additional members as necessary.

3. RESPONSIBILITIES OF MEMBERS

Committee members shall actively participate in committee meetings and the administration of committee business.

4. MEETINGS

Meetings will be scheduled at the discretion of the committee chair. All meetings shall comply with the Judicial Department's Open Meeting Policy.

5. RULES OF PROCEDURE

The committee shall follow the standard rules of procedure utilized by the Arizona Judicial Council.

6. FUNDING

The committee, with the assistance of the Administrative Office of the Courts, may seek grant funding from local, state, and national organizations for its expenses of operation, including expert advice and consultation. To the extent available, Supreme Court funds may also be used to partially or fully fund committee expenses.

7. STAFF

Under the direction of the Chief Justice, the Administrative Office of the Courts shall provide staff for the committee and, as feasible, may conduct or coordinate research recommended by the committee.

DATED this 16th day of March, 1995.

STANLEY G. FELDMAN
Chief Justice

APPENDIX A

COMMITTEE TO EXAMINE THE NEED AND
PROPRIETY OF AMENDING ETHICAL RULE 8.3

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