



OCT - 7 1999 IN THE SUPREME COURT OF THE STATE OF ARIZONA

ARIZONA SUPREME COURT  
ADMINISTRATIVE OFFICE OF THE COURTS  
EXECUTIVE OFFICE

In the Matter of: )

FILING OF FORMAL DISCIPLINARY )  
COMPLAINTS AND THE APPOINTMENT )  
OF HEARING OFFICERS )

Administrative Order  
No. 99- 63

Based upon its inherent power over members of the legal profession as officers of the Court, the Supreme Court has adopted Rule 46, Rule 47 and Rule 48, Arizona Rules of the Supreme Court. These Rules govern the disciplinary and disability jurisdiction of the Supreme Court over lawyers admitted to practice law in Arizona and establishes the Disciplinary Commission, hearing officers and the disciplinary clerk. On April 14, 1999, the Court amended the Arizona Rules of the Supreme Court to separate the investigative and prosecutorial functions of the State Bar of Arizona from the adjudication functions of the hearing officers and the Disciplinary Commission. On September 1, 1999, the Disciplinary Commission petitioned the Court to further amend Rule 46 and Rule 48 to carry out this separation of functions. This pending Rule petition, R - 99-0027, specifies that the formal complaint is to be filed with the disciplinary clerk, instead of the State Bar, and moves the authority for the appointment and supervision of hearing officers from the Board of Governors of the State Bar of Arizona to the Court.

Now therefore, after due consideration, the Court has determined that it is beneficial to implement the proposed changes regarding the filing of the formal complaint and the appointment and supervision of the hearing officers immediately, pending further action by the Court on the petition.

IT IS ORDERED THAT THE COURT HEREBY APPROVES that Rule 46 (g) (6) and Rule 48 (a) (2), (b) (2) and (c) (1), Arizona Rules of the Supreme Court, be amended to read as follows:

Rule 46 (g) (6) "Complaint" means a formal complaint prepared and filed with the disciplinary clerk pursuant to these rules.

Rule 48 (a) (2) Hearing Officers. The court, upon recommendation of the commission, may appoint a lawyer who has been an active member for at least seven years to serve as a hearing officer in lieu of a three member hearing committee. A hearing officer shall have all of the duties and powers of a three member committee. A hearing officer may be terminated, at any time, by the court. If a vacancy occurs in a hearing officer position, the vacancy shall be filled in the manner provided for the original appointment.

Rule 48 (b) (2) Hearing Officers. Hearing officers shall be appointed for three year terms. A hearing officer may serve consecutive terms at the court's discretion. A hearing officer whose term has expired may continue to serve until the conclusion of any proceeding commenced prior to the expiration of the term, and decision thereon, and until a successor is appointed.

Rule 48 (c) (1) Transfer for Cause. If good cause exists for the removal of a matter from one committee or hearing officer to another committee or hearing officer, or for replacement of a committee member(s) or a hearing officer, the court may order such removal or replacement. At the request of any committee member or hearing officer or on its own motion, the court may appoint from the active membership another member to act in place of a regular committee member or hearing officer in a particular discipline, disability, or reinstatement matter.

IT IS FURTHER ORDERED THAT THE COURT HEREBY APPROVES that all hearing officers and committees who are serving on the effective date of this order are appointed by the Supreme Court and are subject to the supervision of the Supreme Court.

Dated this 5th day of October, 1999.

FOR THE COURT:

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THOMAS A. ZLAKET  
Chief Justice