

**ANNUAL REPORT
OF THE
ATTORNEY REGULATION
ADVISORY COMMITTEE
TO THE
ARIZONA SUPREME COURT**

APRIL 27, 2017

ARIZONA SUPREME COURT
ATTORNEY REGULATION ADVISORY COMMITTEE (ARC)
Committee Member List
As of December 2016

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Presiding Disciplinary Judge

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ATTORNEY REGULATION ADVISORY COMMITTEE

2016 ANNUAL REPORT

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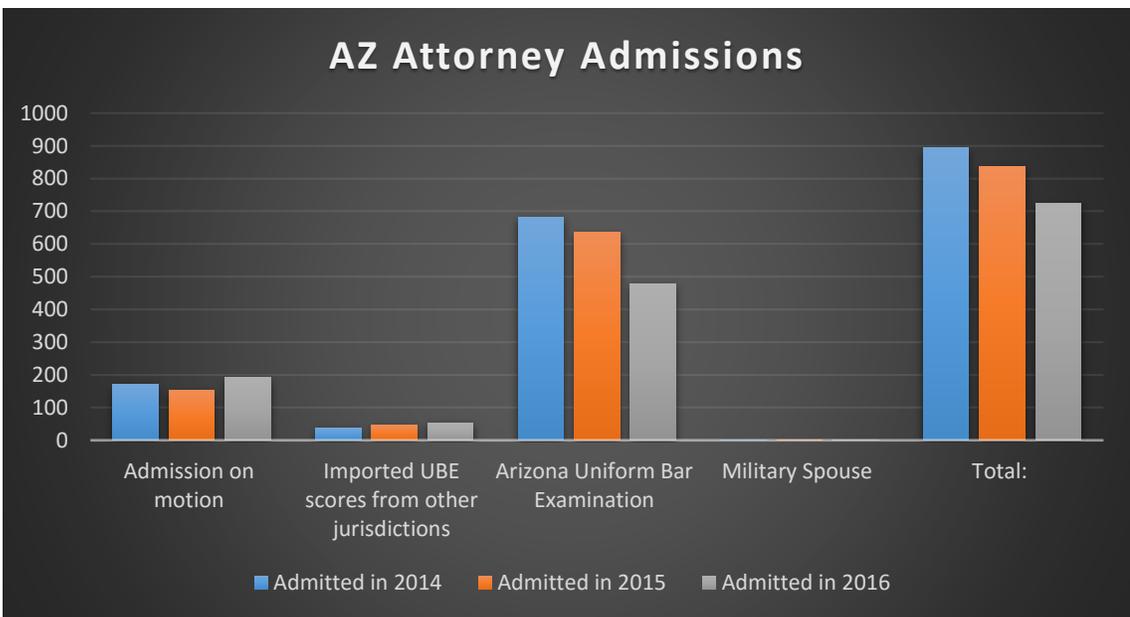
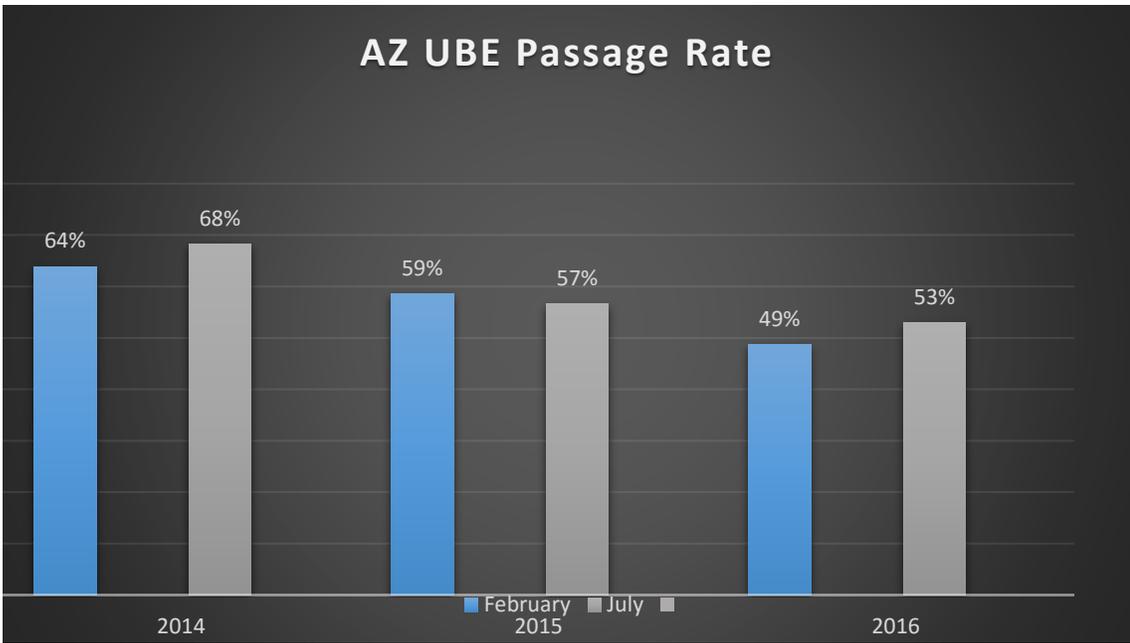
The Attorney Regulation Advisory Committee (“ARC”) was established by the Supreme Court of Arizona to periodically review the entire attorney admission and discipline system for the Court and make recommendations for any further needed changes. (Administrative Order No. 2011-44). ARC’s purpose is to review the rules governing attorney examination, admissions, reinstatement, and the disability and disciplinary processes and make recommendations regarding these rules “to reinforce lawyer competency and professionalism and strengthen the Supreme Court’s oversight of the regulation and practice of law in this state.” The Court directed ARC to submit an annual report each year by April 30. That report “shall contain case statistics on the processing of attorney admission and discipline cases and recommendations on specific issues addressed by the Committee. This report is respectfully submitted for the 2016 calendar year.

Comparative Number of Attorneys Licensed in Arizona

1990	2000	2010	2013	2016
7,579	12,991	21,374	22,954	24,088

I. The Examination/ Admission Process and Statistics Update

Arizona adopted the Uniform Bar Examination (“UBE”) in 2012 and has testing opportunities twice a year in February and July. A total of 505 applicants passed the Arizona Uniform Bar Examination in 2016, yielding an overall pass rate of 51%. **725 new attorneys were admitted in 2016:** 192 by admission on motion, 53 via imported UBE scores earned elsewhere, 1 military spouse admission and 479 by exam.



In 2016, a total of 249 applicants who tested in Arizona requested their UBE scores be transferred to 22 different states, the most frequently to:

New Mexico	45
Washington	42
New York	39
Colorado	22

A total of 66 UBE applicants requested their scores be transferred into Arizona. Jurisdictions with the most frequently imported scores were:

Colorado	23
Utah	9
Missouri	7
New Mexico	6

Character and Fitness:

Each applicant for admission must submit a detailed Character and Fitness Report. The Committee on Character and Fitness is charged with reviewing and, as necessary, investigating issues raised by these reports. As part of that process, and in compliance with the 2015 guidelines established by the Arizona Supreme Court (*see* p. 8), the Committee held a total of 50 informal proceedings in 2016, with the following results:

Informal Hearings/Informal Inquiries in 2016		
Outcomes		Comments
Regular Admission	33	
Conditional Admission	2	
Referred for Formal Hearing	5	
Withdrew Application	3	
Pending	2	Committee requested further information from applicants before proceeding
Deferred	3	
Denied	1	By Arizona Supreme Court
Conversion	1	Conditional to Regular Admission
Total	50	

Seven investigations in 2016 resulted in formal proceedings, with the following results:

Formal Hearings/Hearings in 2016		
Outcomes		Comments
Regular Admission	5	
Conditional Admission	0	
Denied Admission	1	
Withdrew Application	1	
Pending	0	
Total	7	

In 2016, the Chairs of the Examinations and Character and Fitness Committees responded to petitions for review regarding the following issues:

Committee on Character and Fitness Response to Petitions for Review		
Issues	Requests	Action by Supreme Court
Waiver of ABA JD Requirement	2	2 granted
Extend Five-Year Requirement for Admission	3	2 granted; 1 denied ¹
Waiver AOM Practice Requirement	0	
AOM-Diploma Privilege	0	
Comply with MPRE	0	
Motion to seal	1	1 granted
Reconsideration	1	1 denied
Total	7	5 granted/2 denied

¹ An applicant filed an original motion with the Court and was denied without prejudice to refile a petition; no such petition was filed.

Committee on Examinations Response to Petitions for Review		
Issues	Requests	Action by Supreme Court
Denial of Testing Accommodations	0	
Extraordinary Circumstance, Overturn Failing Exam Score	14	14 denied
Total	14	14 denied

ARC Action Related to Admission Issues

In 2016, the Committee on Character and Fitness focused on implementation of the 2015 Rule changes and Guidelines. An additional rule change adopted in 2016 provided for the ability of parties to request documents, primarily medical and psychological reports, be sealed by the Clerk of the Supreme Court.

Guidelines:

In June 2015, the Supreme Court issued specific guidance to the Committee on Character and Fitness regarding substance abuse and financial irresponsibility. In response, the Committee on Character and Fitness began implementing the guidelines while evaluating whether an applicant met the application burden to demonstrate fitness to be admitted to the Bar. While the Guidelines caused no noticeable change in the number of hearings in 2015, informal inquiries triggered by a history of substance abuse and financial issues increased by 10 in 2016. The *Supreme Court Guidelines* for Character and Fitness are available online at: <http://www.azcourts.gov/Portals/26/admis/2015/NewCFGuidlines72015WebPostingFINAL.pdf>

Other Admissions Issues

Early Examination

In 2012, the Court approved a pilot program of early testing for law students in their last semester of law school, provided the semester was structured to allow for study and student engagement. In June 2016, ARC filed a supplemental report with final recommendations regarding early testing as ordered by the Supreme Court. The report can be found online at: <http://www.azcourts.gov/arc/Meetings/June-Meeting-Materials>

The Supreme Court officially amended Rule 34 to allow early testing as a permanent admission option effective January 1, 2017.

II. Lawyer Regulation

Administrative Order 2011-44 directs that the annual ARC report “shall contain case statistics on the processing of attorney regulation cases.”

Statistical Summary

The following comparative statistics are provided by the State Bar of Arizona, the Attorney Discipline Probable Cause Committee (“ADPCC”) and the Presiding Disciplinary Judge (“PDJ”). The State Bar, ADPCC and the PDJ have distinct responsibilities and capture data in slightly different ways to best reflect the performance of those responsibilities. The differences in the manner in which data has been captured is described in footnotes. The statistics provide a snapshot of the regulatory process, from intake and processing of complaints, investigation and resolution, either through closure, consent, presentation to and disposition by the ADPCC, and through the formal complaint process with orders issued by the PDJ, and review by the Arizona Supreme Court.

Number of Attorneys:	2014	2015	2016
Licensed to Practice	23,426	23,794	24,088

Summary of Regulatory Action Taken²			
	2014	2015	2016
Disbarred	13	12	12
Suspended	38	39	37
Reprimanded	18	25	24
Number of Informal Sanctions	39	80	66
Number of Diversions	73	86 ³	71 ⁴
Number of Dismissals with Comment	202	186	178

1. Intake and Investigative Process

The Intake process is designed to achieve two specific goals: (1) resolve the greatest number of inquiries/charges at the earliest stage of the process, and (2) expeditiously move the most serious charges of misconduct into the investigation phase.

Complainants are encouraged to talk with an Intake lawyer before submitting a written charge. This approach has personalized the process and has allowed for a better and timelier evaluation of the complainant’s concerns. Many charges received by Lawyer Regulation represent allegations of low-level misconduct (such as lack of communication with the client) that can be appropriately resolved by means of providing instruction to the lawyer, or directing the lawyer to resources that will quickly resolve the issue. The system provides for immediate outreach to complainants and lawyers, which provides opportunities for lawyers to resolve the issue and complainants to receive an expedient resolution.

In all cases where the State Bar decides not to proceed to investigation, the rules require an explanation to complainants regarding that decision.

² This chart represents final orders as of December 31, 2016.

³ This number includes 5 diversions that were finalized in the Intake process rather than as a result of an ADPCC order.

⁴ This number includes 3 diversions that were finalized in the Intake process rather than as a result of an ADPCC order.

The charges that are not resolved in Intake are moved on to investigation. The process of determining what charges are referred for investigation usually includes securing a written statement from the complainant and often includes gathering additional information.

Intake and Investigation			
	2014	2015	2016
Total charges received	3,549	3,127	3,569
Number of charges referred to investigation	751	664	744
Number of lawyers investigated relative to the charges referred	422	391	499
Percentage of complaints resolved in Intake (closed)	71%	81%	71%
Average days to resolve complaints in Intake (closed)	29	27	27
Average days to refer from Intake to Investigation	24	27	28
Average days for investigation	247	200	161

2. Attorney Discipline Probable Cause Committee

The Attorney Discipline Probable Cause Committee is a permanent committee of the Supreme Court. (*See* Rule 50.) The ADPCC has three public members and six attorney members, and it meets monthly to review the Bar’s recommendations on charges. This committee is the gatekeeper for the discipline system, and it benefits from the public members’ participation and their insight. After deliberation, the ADPCC may direct bar counsel to conduct further investigation, dismiss the allegations, or order one or more of the following: diversion, admonition, probation, restitution, and assessment of costs and expenses.

Additionally, if the committee believes the ethics violation(s) in question could justify the imposition of a reprimand, suspension or disbarment, it can authorize the State Bar to file a formal complaint with the Presiding Disciplinary Judge.

Before each monthly meeting, the State Bar provides each respondent with a written report of investigation that includes the Bar’s recommendation on the case. Respondent may provide a written response to the ADPCC. Pursuant to Rule 55(b)(2)(B), the State Bar also informs the complainant of the recommendation and the right to submit a written objection to that recommendation.

At each meeting, the Bar presents its cases orally and ADPCC members may ask questions, request additional facts, challenge the Bar’s recommendations or offer their own recommendations. In 2016, the ADPCC rejected or modified the State Bar’s recommendation in 22 cases. In 10 cases, the ADPCC increased the severity of the recommended sanction or disposition. In 12 cases, it decreased the State Bar’s recommended sanction or disposition. The ADPCC meetings are confidential, and are not open to respondents, complainants or the public.

The ADPCC organizes its statistics in a slightly different format from that of the State Bar, tracking the number and types of orders issued:

Number of Matters⁵ the ADPCC Reviewed and Number of Orders Issued			
	2014	2015	2016
Number of Matters Reviewed	289	413	363
Number of Probable Cause Orders Authorizing a Formal Complaint	121	172	169
Number of Orders of Admonition	31	62	61
Number of Orders of Restitution	17	26	4
Number of Orders of Diversion	59	81	70
Denial of Appeals from State Bar Orders of Dismissal	46	49	42
ADPCC increased recommended sanctions (by charge)	4	3	10
ADPCC decreased recommended sanctions (by charge)	16	12	12
Number of ADPCC orders converted to formal cases per Rule 55(c)(4)(B) (see summary of results below)	3	4	7

⁵ A “matter” is defined as a State Bar action that results in an ADPCC order, and may involve multiple charges. The statistics in this chart are calculated on a calendar year.

Contested ADPCC Orders and Disposition:

Pursuant to Rule 55(c)(4)(B), attorneys receiving an order of diversion, stay, probation, restitution, admonition or assessment of costs and expenses may contest that order by demanding formal proceedings be instituted. In that event, the ADPCC order is vacated, and the State Bar files a formal complaint with the PDJ. In 2016, the following orders were appealed and converted to formal cases, with the following results:

15-1243	contested Restitution order; result: still pending
15-1734	contested Diversion order; result: dismissal
16-0395	contested Admonition order; result: Admonition
15-2174	contested Admonition order; result: Admonition
15-3363	contested Admonition order; result: formal complaint not yet
14-1971	contested Diversion order; result: disposition by PDJ pending
16-0773	contested Admonition order; result: disposition by PDJ pending

3. Formal Cases

Office of the Presiding Disciplinary Judge

The Presiding Disciplinary Judge presides over attorney regulation proceedings. The Chief Justice appoints a pool of volunteer attorney and public members to serve on hearing panels. Each three-member hearing panel is comprised of the Presiding Disciplinary Judge, one volunteer attorney member and one public member assigned by the disciplinary clerk. The hearing panels have statewide jurisdiction over proceedings on complaints of misconduct, applications for reinstatement, contempt and any other matters designated by the Court. In those matters, the hearing panels prepare findings of fact and conclusions of law. In discipline proceedings the hearing panel issues a final judgment, subject to appeal to the Court. While their judgments are final they do not serve as *stare decisis* precedent for future cases nor constitute law. In reinstatement matters, the hearing panel makes a report and recommendation to the Court. The disposition of the matter by the Court establishes the finality of each particular report and recommendation. The Office of the Presiding Disciplinary Judge is comprised of three individuals, Judge William J. O'Neil, Paralegal Michele Smith and Disciplinary Clerk, Amanda McQueen.

Under Rule 46(f)(1), the Disciplinary Clerk is designated by the Court to be the custodian of the record in all discipline, disability, and reinstatement proceedings and maintains the record. Under Supreme Court Rule 51, the PDJ may impose discipline on an attorney, transfer an attorney to disability inactive status and serve as a member of a hearing panel in discipline, disability proceedings and reinstatement hearings. Formal matters include complaints, direct consent agreements, petitions for reinstatement, petitions for interim suspension and petitions for transfer to disability. The PDJ, also reviews and issues orders on reciprocal proceedings and affidavit-based reinstatement requests under Rule 64. Rule 64 reinstatements do not require a hearing, however they allow State Bar objection and require the approval of the PDJ.

Using hearing panels has provided additional public insight and participation for the lawyer regulation system that protects the public and provides transparency. The PDJ has the authority to issue a final judgment or order imposing any sanction, including disbarment. Statistically, using the PDJ has streamlined the processing of formal proceedings.

Number of Formal Matters, Consent Agreements, Interim Suspension, and Reciprocal cases for the Past Three Years			
	2014	2015	2016
Formal Matters	67	97	85
Pre-Complaint Consent Agreements	18	41	26
Post Complaint Consent Agreements	32	32	22
Interim Suspension	3	3	6
Reciprocal Discipline	1	4	6

Average Time to Order for Formal matters: These include both formal complaints and pre-complaint consent agreements. Pre-complaint consent agreements may be filed in lieu of a formal complaint. Pre-complaint consent agreements are a subset of the numbers in the formal-matters row. The charts below describe the average time from formal Complaint to order for all cases, contested cases, consent agreements and defaults.

Average Time from Formal Complaint to Decision Order for All Types of Cases			
	2014	2015	2016
Number of Days	96	91	108

Average Time from a Formal Complaint to Decision Order for Contested Cases			
	2014	2015	2016
Number of Days	151	131	148

Average Time from a Formal Complaint to Final Order for Consent Agreements			
	2014	2015	2016*
Number of Days	85	52	107

***Consent agreements:** The PDJ may accept, reject, or recommend modifications of such proposed consent agreements. In 2016, the average time on consent agreements from the filing of the formal complaint to final order increased significantly.

Typically consent agreements resolve a case more expeditiously than through a default. This was untrue in 2016. While amended complaints are rare, they typically extend the hearing date. In 2016, there was an increased number of amended complaints filed for the purpose of adding additional charges. Amending the complaints extended the hearing date. Each case involves unique circumstances. By example, one case involved an amended complaint in which the respondent entered a consent agreement immediately prior to the hearing resulting in 212 days for resolution by consent. This significantly affected the average time. In addition, unlike in prior years, many agreements were filed shortly before hearing.

Average Time from a Formal Complaint to Decision Order for Default Cases			
	2014	2015	2016
Number of Days	110	89	88

Sanctions or Outcomes for Formal Matters: Matters handled by the PDJ may result in various sanctions or outcomes including discipline, diversion or dismissal; protective orders; resignation orders and reinstatements. The charts below describe the sanctions or outcomes for the last three years.

Sanctions & Outcomes⁶			
	2014	2015	2016
Disbarment	13	13	14
Suspension	38	39	41
Reprimanded	18	25	24
Hearing Panel Dismissals	2	2	2
Informal Sanctions by ADPCC	39	80	66
Diversions by ADPCC	73	86	71

⁶ This chart provides statistics of orders issued by the Presiding Disciplinary Judge as of December 31, 2016 and may include orders that were on appeal to the Supreme Court.

Protective Orders Issued by PDJ⁷			
	2014	2015	2016
Number of Protective Orders	Not calculated	54	69

Resignation Orders in Lieu of Reinstatement Issued by PDJ			
	2014	2015	2016
Number of Resignation Orders	6	2	7

Rule 64 & Rule 65 Reinstatement Applications			
	2014	2015	2016
Rule 64 (e)⁸	10	7	15
Rule 65⁹	10	10	6

⁷ Protective Orders typically address concerns of public disclosure of confidential or personal information.

⁸ Suspensions of six months or less.

⁹ Suspensions of six months and a day or more.

Rule 65 Reinstatements Filed or Concluded in 2016 with Status			
Cause Number*	Applicant	Recommendation by Hearing Panel	Status (As of date of report)
14-9035	Wolf	Reinstate	Reinstated
14-9003	Witt	Deny	<i>Pending</i> - Remanded back to Panel
15-9051	Serafine	Reinstate	Reinstated
15-9052	Schultz	Reinstate	Reinstated
15-9066	Erlichman	Reinstate	Reinstated
15-9099	Reynolds	N/A	<i>Application Withdrawn</i>
15-9108	Levine	Reinstate	Reinstated
15-9114	Abrams	Deny	<i>Pending</i> – Remanded back to Panel
15-9119	Bradford	Reinstate	Reinstated
16-9045	Reynolds	Reinstate	Reinstated
16-9052	Lodge	N/A	<i>Application Withdrawn</i>
16-9071	Tiffany	N/A	<i>Application Stricken by PDJ</i>
16-9073	Kramer	N/A	<i>Application Withdrawn</i>
16-9097	Torre	N/A	<i>Stayed by PDJ</i>
16-9110	Abujbarah		<i>Pending</i>

* The Cause number assigned identifies the year the application was filed.

Appeals to the Supreme Court: Sanctions or outcomes of matters handled by the PDJ may be appealed to the Supreme Court. The chart below describes the notices of appeal filed in 2016.

2016 Notice of Appeals filed with Disciplinary Clerk with Status		
Cause Number	Judgment of Hearing Panel	Status (As of Date of Report)
15-9074	Reprimand	<i>Pending</i> – Remanded back to Panel
15-9115	Disbarment	Appeal Denied
15-9125	18 Months	Affirmed
16-9008	1 Year	Appeal Dismissed
16-9042	Disbarment	Appeal Denied
16-9039	Reprimand	Reprimand Ordered Vacated by Sup. Crt.
16-9084	Disbarment	<i>pending</i>
16-9067	6 Months & 1 Day	<i>pending</i>

4. Independent Bar Counsel

In 2001, the State Bar Board of Governors created a volunteer Conflict Case Committee (“Committee”) to timely process, investigate and prosecute all aspects of disciplinary matters that, because of the involvement (as applicants, complainants, respondents, material witnesses, or otherwise) of lawyers or others connected with the lawyer discipline system or the State Bar Board of Governors, should not be handled by counsel in the State Bar Lawyer Regulation Office due to conflict of interest concerns. Effective January 1, 2011, the Arizona Supreme Court substantially modified Arizona’s lawyer discipline system, eliminating the Hearing Officer and Disciplinary Commission positions that generated much of the Committee’s work, and replacing the State Bar Probable Cause Panelist with the Attorney Discipline Probable Cause Committee. The Court further determined that the timely, fair and impartial resolution of the cases previously assigned to the Committee and similar cases would be improved by devoting personnel and administrative resources in addition to those available using volunteers.

Accordingly, by Administrative Order 2014-11, the Court established the position of Independent Bar Counsel (“IBC”), and appointed a volunteer attorney panel to assist as necessary with the investigation and prosecution of matters assigned to IBC by the State Bar. The IBC reports quarterly to the chair of the ADPCC as to the status of all matters pending, and issues a report annually generally describing the nature and disposition of qualifying matters resolved during the preceding year. The annual report also allows IBC to make any recommendations for improving Arizona’s lawyer admission, discipline, disability and reinstatement procedures. The following is the IBC report for 2016.

IBC’s Report Pursuant to Admin. Order 2016-44

General description of the nature and disposition of Qualifying Matters resolved by IBC during the preceding year.

This report includes cases for calendar year 2016. During that time, Independent Bar Counsel (“IBC”) received a total of four (4) new complaints. This is significantly less than those received in the past two years (IBC received fifteen (15) complaints in 2015 and twenty-eight (28) complaints¹⁰

4(a)(1) (Board member)	4(a)(ii) (State Bar staff)	4(a)(iii) (ADPCC member)	4(a)(iv) (lawyer previously with State Bar)	4(a)(v) (Hearing Panel member)	4(b) (Other matters assigned by Chief Justice)	4(c) (Related matter)	4(d) (Hearing Panel member)
1	2	0	0	0	0	1	0

¹⁰ There were actually only twenty-one (21) new complaints in 2014. Seven (7) matters were carried over from the Conflict Case Committee.

Ten (10) matters were carried over from 2015 and a total of twelve (12) cases were resolved in 2016 with the following breakdown:

Disbarment	Suspension	Reprimand	Admonition	Diversion or “other appropriate action” per Rule 55(a)(2)(B)	Dismissal with Comment	Dismissal by IBC
0	0	0	2	0	1	9 ¹¹

IBC’s recommendations for improvements to Arizona lawyer admission, discipline, disability and reinstatement procedures.

IBC has not yet had an opportunity to become involved in matters of lawyer admission, disability or reinstatement proceedings and consequently has no suggested recommendations other than perhaps to remind those involved with lawyer admission, disability or reinstatement that she is available to assist.

Regarding the attorney discipline process, IBC notes that the administrative order creating this position, Admin. Order 2014-011, was replaced by Admin. Order 2016-44 on June 15, 2016. Although most of the order remained unchanged, Admin. Order 2016-44:

- Clarified that, “For purposes of an appeal pursuant to Rule 53(b)(2)(B), Ariz. R. Sup. Ct., the executive director of the Arizona Commission on Judicial Conduct (“Commission”) shall review IBC’s decision to dismiss a charge.”
- Specified that, “Following an assignment of a qualifying matter to IBC, any open charge or new charge opened by the State Bar that relates to the respondent attorney or the qualifying matter may be referred to IBC. *See* 4(c).
- Updated the membership of the IBC attorney panel members and provided term limits.

IBC believes these changes were necessary to effectuate the intent of the original order, which includes the “timely, fair and impartial resolution of the cases previously assigned to the Committee and similar cases. . . .”

¹¹ Of the nine (9) dismissals, six (6) were appealed. In all six (6) cases, the dismissal was affirmed.

IBC currently has no recommendation for improvements to the attorney discipline process. IBC spent the balance of her time as acting disciplinary counsel, investigating complaints about judges made to the Commission on Judicial Conduct (“CJC”). This activity is authorized by paragraph 2 of Admin. Order 2016-44.¹²

III. ARC Action on Rule-Change Petitions

During 2016, ARC participated in drafting portions of proposed rule changes or provided comments on the following rule petitions:

- **Petition R-15-0041 – Amending Rules 46(c) and (d)**

In late 2015, ARC filed a petition that would provide the State Bar of Arizona discretion to pursue lawyer discipline against a former judicial officer. The petition also sought to clarify jurisdictional issues related to the State Bar and the Commission on Judicial Conduct related to judges with alleged misconduct as lawyers prior to being appointed to the bench and former judges returning to the practice of law that engaged in misconduct while serving as a judge. The Court adopted proposed changes so that the State Bar and Commission have concurrent jurisdiction over judges for misconduct as lawyers before becoming judicial officers. The Court did not adopt proposed changes that would have allowed the State Bar to conduct an independent investigation for conduct that occurred once a lawyer became a judicial officer. Rule 46 still requires the State Bar to rely on the Commission’s record when recommending lawyer discipline based on conduct that was the subject of a judicial discipline proceeding.

- **Petition R-16-0014 – Amending Rules 35 and 36**

Rule 35 and Rule 36 were amended with respect to privacy issues arising from Court filings by the Committee on Examinations or the Committee on Character and Fitness when those filings contained medical reports or medical expert opinions. As amended, either the party or the Committee may request that the Clerk of the Court seal medical or psychological reports prepared by a professional. Previously, such request needed to be in the form of a formal motion and had to be granted by the Court.

- **Petition R-16-0027- Amending ER 1.2 and Rule 42**

R-16-0027 as submitted would have allowed lawyers to counsel and assist their clients in complying with state law, where the client’s proposed action would violate federal law. The Committee had supported this petition. The Court denied this Rule petition.

¹² IBC investigated and analyzed 42 of the CJC’s cases in 2016, or 12%. She also provided two training sessions regarding the Code of Judicial Conduct (one for law clerks and one for judicial employees at Maricopa County Justice Court’s Summer Staff Conference) and performed other work for the CJC.

- **Petition R-16-0023- Amending Rules (48(e), 58(d), 64(f)(1) and 65**

This petition addresses recommended changes to attorney discipline, clarifies the disability process and changes the reinstatement process utilized by the presiding disciplinary judge in attorney discipline matters. The Court amended Rule 63 to allow for consent agreements in disability matters. The Court also amended Rule 64(f) to remove the requirement for proof of rehabilitation by a member seeking reinstatement from a lengthy summary suspension as long as the State Bar finds there is no need for rehabilitation and there appear to be no discipline or disability issues.

IV. Potential Issues for ARC in 2017

ARC has identified the following issues in the attorney discipline and admissions areas that it intends to explore for the upcoming year:

- Review of Rule 38 and, in particular, the requirements related to the registration of and subsequent regulation of legal service organizations.
- Such other matters as may be referred to the Committee by the Supreme Court.