



**IT IS FURTHER ORDERED** affirming the Court's October 15, 2021 order that it will consider whether to adopt the rule amendments on a permanent basis during its August 2022 Rules Agenda.

**IT IS FURTHER ORDERED** that this petition and amendment are opened for public comment under Rule 28(c), Rules of the Supreme Court of Arizona, with all comments due no later than May 1, 2022, and any reply due no later than June 1, 2022.

The petition may be viewed by going to: <http://www.azcourts.gov/Rules-Forum>. This opens the "Welcome" page. Petitions are posted under the appropriate body of rules, for example, Rules of Criminal Procedure, which is found by scrolling down the page.

For instructions on how to post comments electronically, click on <https://www.azcourts.gov/rules/Forum-FAQ> at the top of the "Forum FAQ" page and then "How do I file a comment on a Rule 28 petition?"

Alternatively, commenters may submit comments by filing an original and one paper copy of the comment and one electronic copy of the written comments and supporting documents in Microsoft Word format on a CD or other compatible electronic medium with the Clerk of the Supreme Court, 1501 West Washington St., Room 402, Phoenix, AZ 85007 in an envelope marked "Rule Comment."

Any person filing a comment must send a copy of the comment to the Petitioner electronically or by ordinary mail.

DATED this 8<sup>th</sup> day of December, 2021.

\_\_\_\_\_/s/\_\_\_\_\_  
ROBERT BRUTINEL  
Chief Justice

TO:

Rule 28 Distribution  
Jennifer Albright

## ATTACHMENT<sup>1</sup>

### RULES OF THE SUPREME COURT OF ARIZONA

#### Rule 56. Diversion

(a)-(b) [No change]

(c) **Diversion Agreement or Order.** If diversion is offered and accepted prior to submission of the matter to the committee, an investigation pursuant to Rule 55(b), the agreement shall be between the attorney, alternative business structure or legal paraprofessional and bar counsel. If bar counsel ~~recommends~~ offers diversion after an investigation pursuant to Rule 55(b) and the attorney, alternative business structure or legal paraprofessional does not accept the offer of diversion, ~~but before authorization to file a complaint,~~ the recommendation for an order of diversion shall be submitted to the committee for consideration. If the committee rejects the recommendation, the matter shall proceed as otherwise provided in these rules. If diversion is offered and accepted after authorization to file a complaint, the matter shall proceed pursuant to Rule 57. If the presiding disciplinary judge rejects the diversion agreement, the matter shall proceed as provided in these rules.

(d)-(e) [No change]

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<sup>1</sup> Additions to the text of the rule are shown by underscoring and deletions of text are shown by ~~strike-through~~.