

ATTACHMENT¹

RULES OF THE SUPREME COURT OF ARIZONA

Rule 42.1. Ethics Advisory Committee

(a)–(d) [No change]

(e) Opinion Requests. Opinions may be requested by the State Bar, any State Bar member, any State Bar affiliate member, any Compliance Lawyer of an Alternative Business Structure, any person seeking advice about whether the person's proposed conduct would constitute the unauthorized practice of law, any Committee member, or the Supreme Court. Requests for opinions must be submitted in writing to Committee staff at the Administrative Office of the Courts, Certification and Licensing Division, Supreme Court clerk and be accompanied by a letter or memorandum describing the facts and discussing the issues presented in the request. Committee staff ~~The Supreme Court clerk~~ will assign a number to each opinion request when it is received, and forward copies of the request to all Committee members. Committee staff ~~The clerk~~ and the Committee members must keep confidential the identity, organizational affiliation, and geographic location of persons requesting opinions.

(f)–(g) [No change]

(h) Public Comment Period. Committee staff ~~The Supreme Court clerk~~ must post proposed opinions on the Supreme Court's website and the State Bar must distribute such opinions through electronic postings and links through e-publications such as e-Legal. Proposed opinions must be open for public comment for at least 90 days. After the public comment period ends, the Committee must consider all submitted comments and, in light of those comments, revise the proposed opinion, leave it unaltered, or withdraw it.

(i) Supreme Court Review. After the public comment period ends and the Committee reviews the comments and makes any further revisions to the proposed opinion that it believes are appropriate, the Committee chair must ~~submit~~ file the proposed opinion and all materials considered by the Committee in adopting the opinion ~~to with the Clerk of the Supreme Court for~~ Supreme Court ~~for~~ review. Within 90 days after the proposed opinion's submission, the court may take any action it deems appropriate, including declining review of the opinion, approving the opinion, ordering that the opinion not be posted or distributed, modifying the opinion, or directing the Committee to make specified changes or reconsider certain issues.

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

(j) [No change]

(k) Reconsideration. Within 30 days after the posting of a final opinion on the Supreme Court's website, any person may request the Committee to reconsider its opinion by submitting a letter or memorandum to ~~Supreme Court clerk~~ the Committee staff explaining the basis for the request. ~~The clerk must then forward copies of the request to all Committee members.~~ In response, the Committee must either deny the request or reaffirm, revise, or withdraw the opinion. If the Committee revises the opinion, it must resubmit the opinion to Supreme Court for review. The Committee or the Supreme Court also may reconsider an opinion at any time on its own motion. The Supreme Court clerk and the State Bar must post and distribute revised opinions and the Committee's actions on reconsideration requests in the same manner as original opinions.

(l) [No change]