



Having considered the comments and remaining convinced that the rule amendments are appropriate,

**IT IS ORDERED** that the amendments to Rule 56 of the Rules of the Supreme Court of Arizona, which the Court adopted on an emergency basis on December 8, 2021, are hereby adopted permanently in accordance with the attachment to this order, effective immediately. The attachment to this order is the same as the attachment to this Court's December 8, 2021 order.

DATED this 29<sup>th</sup> day of August, 2022.

/s/

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ROBERT BRUTINEL  
Chief Justice

TO:

Rule 28 Distribution  
Jennifer Albright  
Lawrence F Winthrop  
Ann A. Scott Timmer  
Aaron Nash

## 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~~.