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**IN THE SUPREME COURT  
STATE OF ARIZONA**

In the Matter of

PETITION TO AMEND RULE  
34, RULES OF THE SUPREME  
COURT OF ARIZONA

Supreme Court No. R-23-\_\_\_\_\_

Petition to Amend Rule 34, Rules of  
the Supreme Court of Arizona

Under Rule 28, Rules of the Supreme Court of Arizona, Aaron Nash, Director, Certification and Licensing Division, Administrative Office of the Courts, respectfully requests this Court adopt amendments to Rule 34, Rules of the Supreme Court of Arizona, concerning the admission to the practice of law.

**I. Purpose of the Proposed Rule Amendments.**

Under Rule 34(f)(1)(D), applicants must be in good standing or have resigned in good standing in all jurisdictions where previously admitted. The Character and Fitness Committee, however, receives applications where an applicant is deemed not in good standing in another jurisdiction solely because the applicant failed to pay their mandatory fees or complete their continuing education requirements. Applicants attempting to remedy these deficiencies are, in certain jurisdictions,

prevented from doing so due to their inactive or resigned status in that jurisdiction; creating an administrative impasse where applicants cannot be admitted into Arizona due to a lack of good standing but cannot attain good standing in their prior jurisdiction. *See, Moyer’s Petition for Review, In the Matter of the Application of Alison K. L. Moyer, No. SB-22-0064-PR (Ariz. Oct. 6, 2022)*. The proposed change seeks to clarify the good standing status requirement for applicants seeking admission by motion of their Uniform Bar Examination score.

Under Rules 34(f)(1)(E) and 34(h)(1)(E), applicants seeking admission in Arizona must “establish that the applicant is not currently subject to lawyer discipline or the subject of a pending disciplinary matter in any other jurisdiction.”

As written, Rules 34(f)(1)(E) and 34(h)(1)(E) fail to consider that applicants may be subject to discipline or the subject of pending disciplinary actions in Arizona and have no obligation to disclose it.

The purpose of the proposed amendment to Rules 34(f)(1)(E) and 34(h)(1)(E) is to correct this oversight and require applicants to establish that they are not subject to lawyer discipline or the subject of pending disciplinary matters in any jurisdiction.

## **II. The Proposed Rule Changes.**

The proposed change to Rule 34(f)(1)(D) would address the administrative impasse noted above by amending the language to allow the Committee on Character



**III. Conclusion.**

For the foregoing reasons, Petitioner respectfully requests the Court amend Rule 34, Rules of the Supreme Court of Arizona, as proposed in the attached *Appendix*.

RESPECTFULLY SUBMITTED this   5th   day of   January  , 2023.



By: \_\_\_\_\_

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## APPENDIX

Additions are shown by underline; deletions are shown by ~~strikethrough~~.

### **Rule 34. Application for Admission**

(a) through (e) [No change]

#### **(f) Admission on Motion.**

1. [No changes]

A. through C. [No changes]

D. establish that the applicant is currently a member in good standing or resigned in good standing in all jurisdictions where admitted; however, if the applicant is not in good standing or did not resign in good standing in all jurisdictions solely because of unpaid mandatory fees or incomplete mandatory continuing legal education requirements, and the applicant has attempted to but cannot cure such deficiencies in the other jurisdiction(s), the Committee on Character and Fitness may evaluate the circumstances and make a recommendation to the Supreme Court for admission or denial of admission.

E. establish that the applicant is not currently subject to lawyer discipline or the subject of a pending disciplinary matter in any ~~other~~ jurisdiction;

F. through G. [No changes]

2. through 5. [No changes]

(g) [No changes]

#### **(h) Admission by Transfer of Uniform Bar Examination Score.**

1. [No changes]

A. through D. [No changes]

E. establish that the applicant is not currently subject to lawyer discipline or the subject of a pending disciplinary matter in any ~~other~~ jurisdiction;

F. through G. [No changes]

2. through 4. [No changes]

**(i)** through **(n)** [No changes]