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7  
8 **IN THE SUPREME COURT**  
9 **STATE OF ARIZONA**

10 In the Matter of:

Supreme Court No. R-23-

11 **PETITION TO AMEND RULE 45**  
12 **OF THE ARIZONA RULES OF**  
13 **SUPREME COURT**

**PETITION**

14 Pursuant to Rule 28 of the Arizona Rules of Supreme Court, the State Bar of  
15 Arizona (“State Bar”) petitions the Court to amend Rule 45, of the Arizona Rules of  
16 Supreme Court. The purpose of the amendment is to create specific authority for  
17 participants successfully completing the year-long version of the State Bar of  
18 Arizona’s Mentor Program to be eligible for up to 8 hours of Continuing Legal  
19 Education (CLE) credit, of which up to 2 hours will be professional responsibility  
20 credit. The proposed amended Rule is provided in Exhibit 1.  
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23 **Background and Purpose of the Proposed Rule Amendment**

24 The State Bar has had a mentor program for many years. Until September  
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1 2019, the mentor program included a year-long option, as well as a number of short-  
2 term options. The requirements of the year-long commitment were loose and largely  
3 left to the mentor and mentee to decide. In 2019, the State Bar created a task force  
4 to explore a number of options; one of the resulting recommendations was to create  
5 a more structured year-long mentor program to enhance the experience of both the  
6 mentor and mentee.  
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9 In September 2019, the State Bar of Arizona's Board of Governors approved  
10 a revision to the Bar's statewide mentoring program to enhance the program's ability  
11 to provide newer lawyers with the skills and resources necessary to increase  
12 competence and professionalism in their legal practice. The revision created an  
13 option for the mentor program that included a formal curriculum and specific  
14 requirements, including a one-year commitment, training for mentors and mentees  
15 entering the program, and a more significant incentive to encourage participation.  
16 For those completing the enhanced program in its entirety, up to 8 hours of CLE  
17 credit may be awarded, with 2 of those 8 hours qualifying for professional  
18 responsibility credit. The Board of Governors approved this program enhancement  
19 as a pilot program.  
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23 Rule 45, Ariz. R. Sup. Ct., currently includes specific provisions for the award  
24 of CLE credit for several activities, including service as an arbitrator or provision of  
25 pro bono services through an approved legal services organization under Rule 38,

1 Ariz. R. Sup. Ct. The Rule does not include a provision addressing the successful  
2 completion of the State Bar’s year-long mentor program, or prior incarnations of the  
3 program.  
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5 Rule 45(h), Ariz. R. Sup. Ct., authorizes the Board of Governors to establish  
6 regulations to administer CLE requirements. MCLE Regulation 104(B)(5), in its  
7 current form, allows the mentor, but not the mentee, to earn 2 hours of CLE credit  
8 for participation in the Mentor Program and predates the revision to the year-long  
9 version of the Mentor Program. Because MCLE Regulation 104(B)(5) and the ability  
10 to earn up to 8 hours of CLE credit in the pilot Mentor Program were inconsistent,  
11 this Court, on November 18, 2020, entered Administrative Order No. 2020-178  
12 temporarily authorizing participants in the pilot program to receive 8 hours of CLE  
13 credit, 2 of those 8 hours qualifies as professional responsibility credit.  
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16 This Petition proposes that Rule 45 codify that participants who successfully  
17 complete the year-long version of the State Bar of Arizona’s Mentor Program can  
18 receive up to 8 hours of CLE credit. The revised, year-long Mentor Program has  
19 been in operation since December 2020. Multiple participants have successfully  
20 completed the program and earned 8 hours of CLE credit. The program has been  
21 successful to-date based on positive reviews from participants, periodic assessments  
22 and increasing participation numbers.  
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25 Initially, entry into the program was limited to twice a year, in April and

1 October. To more promptly assist members who apply for this valuable resource,  
2 beginning November 1, 2022, entry into the year-long program will be continual;  
3 completion will be possible at any time, on a rolling-year basis. To accommodate  
4 this change, this Court, on September 14, 2022, at the request of the State Bar,  
5 entered Administrative Order No. 2022-105. A.O. 2022-105 authorized those  
6 successfully completing the year-long pilot program, on or before December 31,  
7 2023, be eligible to receive full credit for the pilot program.  
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10 The success of the pilot program has demonstrated the need for such a  
11 structured year-long program; the State Bar, therefore, plans to continue this  
12 program for an indefinite period of time. The proposed amendment would  
13 specifically authorize the Board of Governors to amend MCLE Regulation  
14 104(B)(5) to allow participants successfully completing the year-long version of the  
15 Mentor Program to receive up to 8 hours of CLE credit. The proposed amendment,  
16 adding section (6) to subsection (a) would ensure participants in the Mentor Program  
17 receive the CLE incentive the State Board of Governors desired and to rectify any  
18 inconsistency with Rule 45 and MCLE regulation 104(B)(5).  
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1 **CONCLUSION**

2 The State Bar of Arizona respectfully requests an amendment of Rule 45,  
3 Ariz. R. Sup. Ct. as detailed in Exhibit A. These changes will provide authority for  
4 the State Bar to ensure that participants in the State Bar of Arizona’s Mentor  
5 Program are eligible for up to 8 hours of CLE credit (2 hours of which will be  
6 professional responsibility credit).  
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9 RESPECTFULLY SUBMITTED this 9<sup>th</sup> day of January 2023.

10  
11 */s/ Lisa M. Panahi*

12 \_\_\_\_\_  
13 Lisa M. Panahi  
14 General Counsel

15 Electronic copy filed with the  
16 Clerk of the Supreme Court of Arizona  
17 this 9<sup>th</sup> day of January 2023.

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by: P Seguin

1 **APPENDIX**

2 **(Please note: deletions are reflected by strikethrough and additions are**  
3 **reflected by underline.)**

4 **Rule 45. Mandatory Continuing Legal Education**

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6 **(a) Continuing Legal Education Requirements.**

7 1. Every active member of the bar, not exempted, shall complete a minimum of  
8 fifteen hours of continuing legal education activity in each educational year. An  
9 educational year shall begin on July 1 and end on the following June 30.

10 2. A minimum of three hours of continuing legal education activity each  
11 educational year shall be in the area of professional responsibility. Professional  
12 responsibility includes instruction in legal and judicial ethics, professionalism,  
13 and malpractice prevention, and may include such topics as substance abuse,  
14 including causes, prevention, detection and treatment alternatives, attorneys' fees,  
15 client development, law office economics and practice, alternatives to litigation  
16 for managing conflict and resolving disputes, stress management, and the  
17 particular responsibilities of public lawyers, judges, and in-house counsel, to the  
18 extent that professional responsibility is directly addressed in connection with  
19 these topics.

20 3. An active member of the bar, not exempted, who serves as an arbitrator under  
21 Rule 73, Arizona Rules of Civil Procedure, is eligible for two hours of continuing  
22 legal education activity credit in lieu of financial compensation otherwise  
23 available under A.R.S. § 12-133(g) or local rule for service as an arbitrator. Such  
24 credit shall be included in the maximum number of hours allowed for self-study  
25 and shall be awarded under procedures approved by the Board of Governors.

4. An active member of the bar, not exempted, who provides pro bono service to  
the poor or near poor through an approved legal services organization, as defined

1 in Rule 38(d), is eligible for one hour of continuing legal education credit for every  
2 five hours of pro bono service provided, up to a maximum of five hours per  
3 educational year of continuing legal education credit. Such credit shall be included  
4 in the maximum number of hours allowed for self-study and shall be reported in  
the attorney's annual affidavit of compliance.

5 5. An active member of the bar, not exempted who serves as an arbitrator for a  
6 fee dispute resolution under the auspices of the State Bar Fee Arbitration  
7 Committee is eligible for one hour of continuing legal education activity credit for  
8 each hearing actually conducted, up to a maximum of two hours credit in any one  
9 educational year. This credit shall be applied to the required three hours of activity  
in the area of professional responsibility mandated for that educational year.

10 5.6. An active member of the bar, not exempted, who successfully completes a  
11 mentor program under the auspices of the State Bar Mentor Program is eligible for  
12 up to eight(8) hours of continuing legal education activity credit, of which up to  
13 two (2) credit hours may qualify as professional responsibility credits, up to a  
14 maximum of eight hours of continuing legal education credit per educational year  
15 applied in the year the program is completed. Up to 2 hours of credit may be  
16 applied to the required three hours of activity in the area of professional  
17 responsibility mandated for that educational year. The remaining credit shall be  
included in the general educational credits and reported in the attorney's annual  
affidavit of compliance.

18 (b) Exemptions.  
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