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**IN THE SUPREME COURT
STATE OF ARIZONA**

In the Matter of

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

Supreme Court No. R-23-_____

Petition to Amend Rule 33, Rules of
the Supreme Court of Arizona
(Expedited consideration requested)

Under Rule 28, Rules of the Supreme Court of Arizona, Hon. John R. Lopez IV as Chair of the Attorney Regulation Advisory Committee, respectfully requests this Court adopt amendments to Rule 33, Rules of the Supreme Court of Arizona, concerning the appointment of members to the Committee on Examinations and the Committee on Character and Fitness (the “Committees”).

Petitioner requests expedited adoption of the proposed rule amendment as permitted under Rule 28(h)(1), Ariz. R. Sup. Ct., and that the Court consider adopting the amendment on an emergency basis under Rule 28(h)(2) at its August 2023 Rules Agenda, subject to comment on whether to adopt the proposed amendment on a permanent basis. The amendment addresses a leadership and

operations role in the Committees—two of the Court’s committees dedicated to the licensing and regulation of attorneys.

I. Purpose of the Proposed Rule Amendments.

Existing Rule 33 establishes a minimum number of members to the Committees. Standard practice is that Court-appointed boards and committees include a vice chair who provides leadership and direction in the chair’s absence and support functions at the direction of the chair. Rule 33 is silent regarding the vice chair position for the Committees. Establishing Court-appointed vice chair positions on the Committees, and directing their appointment by the Court in the same manner as appointment of the chair, provides leadership support for the Committees and promotes continuity of their operations.

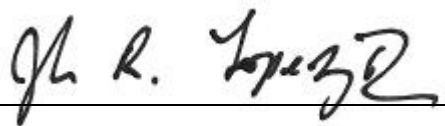
II. The Proposed Rule Change.

The proposed change to Rule 33(a)(2) would establish the role of vice chair and, because it may be advisable from time-to-time to have more than one vice chair, would give the Court discretion to appoint more than one vice chair to the Committees. The vice chair position would benefit the Committees for purposes of succession planning, continuity of operations, delegation of duties, and other development opportunities.

III. Conclusion.

For the foregoing reasons, Petitioner respectfully requests the Court amend Rule 33, Rules of the Supreme Court of Arizona, as proposed in the attached *Appendix*.

RESPECTUFLY SUBMITTED this 17th day of February, 2023.

By: 

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APPENDIX

Additions are shown by underline; no deletions are included.

Rule 33. Committees; Practices

(a) Committees.

1. *Composition of Committees.* The examination of applicants and their admission to the practice of law shall conform to this rule. For such purposes, there shall be two Committees, the Committee on Examinations, and the Committee on Character and Fitness. The Committee on Examinations shall consist of twelve or more members in good standing of the state bar, and the Committee on Character and Fitness shall consist of eleven or more members in good standing of the state bar and four or more nonlawyer members of the public. Nonlawyer members shall have the same powers and duties of the lawyer members, as provided in these rules. The Chair of the Committee on Examinations and the Chair of the Committee on Character and Fitness shall each serve as liaison members of the other Committee.

2. *Appointment of Members.* Considering geographical, gender, and ethnic diversity, the members of each committee shall be appointed in the following manner. The chair and one or more vice chairs of each committee shall be appointed by the Court. The remaining members of the committees shall be appointed by the Court, upon the recommendation of the Board of Governors of the State Bar of Arizona, which shall recommend at least three names for each appointment to be made. Members of the two Committees shall serve at the pleasure of the Court and may be removed from a Committee at any time by order of the Court. A member of either Committee may resign at any time.

3. *Terms of Office.* Members of the two Committees shall be appointed for an initial term of four (4) years and may be reappointed. A member whose term has expired shall continue to serve until a replacement is appointed, or until the member's participation in all matters begun during the member's term have been concluded. If a vacancy due to resignation or inability of a committee member to serve, the Court shall appoint another person to serve the unexpired term.

4. *Powers and Duties of Committees.* The Committee on Examinations shall examine applicants and advise this Court and the Committee on Character and Fitness of those who have passed the examination or examinations required for admission to the state bar. The Committee on Character and Fitness shall recommend to this Court for admission to the state bar those individuals who, having passed the examination or examinations required for admission to the state bar, are deemed by the Committee to be qualified on the basis of character and fitness. The Court will then consider the recommendations and either grant or deny admission.

(b) Power of Court to Revoke or Suspend License. Nothing contained in this rule shall be considered as a limitation upon the power and authority of this Court upon petition of either Committee or the Board or other proper body or person, or on its own motion, to revoke or suspend, after due notice and hearing, the right of an attorney to practice law in this state for fraud or material misrepresentation in the procurement of admission to practice.

(c) Practice in Courts. No person shall practice law in the State of Arizona without being admitted to the bar by compliance with the following rules, provided that an attorney practicing in another state or territory or insular possession of the United States or the District of Columbia may be permitted by any court to appear in a matter pro hac vice, in accordance with the procedures set forth in Rule 39(a).