

Patricia A. Sallen
Ethics at Law PLLC
3420 North 42nd Street
Phoenix, Arizona 85018
Bar No. 012338
480-290-4841
psallen@ethicsatlaw.com
Attorney for Petitioner
Arizona Bar Foundation

IN THE ARIZONA SUPREME COURT

In the Matter of:

**PETITION TO AMEND ETHICAL
RULES 1.15 AND 2.4, RULE 42,
AND RULE 43, ARIZ. R. SUP. CT.**

Supreme Court No. R-23-0006

Reply in Support of Petition

Petitioner Arizona Bar Foundation’s petition proposes amending Ethical Rule (ER) 1.15 and ER 2.4, Rule 42, Ariz. R. Sup. Ct., and Rule 43(a), Ariz. R. Sup. Ct., to allow lawyers who serve as third-party neutrals or expert witnesses to hold unearned fees related to those services in their client trust accounts. These rule changes would not require that lawyers who serve as third-party neutrals or expert witnesses deposit advance fees into their trust accounts but would give them the option to do so.

All comments filed support the proposed changes, with one minor exception. The State Bar of Arizona suggested revising the proposed additional comment to ER 1.15 to clarify and reduce potential confusion.

Petitioner endorses and adopts the State Bar of Arizona's suggested change to the proposed additional comment. The proposed additional comment to ER 1.15 thus is:

Paragraph (g) permits a lawyer who serves as a third-party neutral or as an expert witness to hold funds related to that service that have been paid in advance in the lawyer's client trust account. If the lawyer serving as a third-party neutral or an expert witness chooses to deposit such funds into a client trust account, all requirements related to client trust accounts apply to those funds.

Respectfully submitted May 19, 2023.

A handwritten signature in black ink that reads "Patricia A. Sallen". The signature is written in a cursive style and is positioned above a horizontal line.

Patricia A. Sallen
Ethics at Law PLLC
Attorney for Petitioner
Arizona Bar Foundation