

TO:

Rule 28 Distribution

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ATTACHMENT¹
RULES OF THE SUPREME COURT OF ARIZONA

Rule 42. Rules of Professional Conduct

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ER 1.15 Safekeeping of Property

(a)–(f) [No change]

(g) A lawyer who serves as a third-party neutral or as an expert witness may hold funds related to that service that have been paid in advance as provided for in this rule.

Comment [2003 Amendment] [No change]

Comment [2009 Amendment] [No change]

Comment [2014 Amendment] [No change]

Comment [2024 Amendment]

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.

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ER 2.4 Lawyer Serving as Third-Party Neutral

(a) – (b) [No change]

(c) A lawyer serving as a third-party neutral may choose to hold advance fees related to service as a third-party neutral in the lawyer’s client trust account in compliance with ER 1.15 and Rule 43.

Comment [2003 Rule] [No change]

Rule 43. Trust Accounts

(a) Duty to Deposit Client Funds and Funds Belonging to Third Persons; Deposit of Funds Belonging to the Lawyer or Legal Paraprofessional. Funds belonging in whole or in part to a client or third person in connection with a representation shall be kept separate and apart from the lawyer's or legal paraprofessional's personal and business accounts. All such funds shall be deposited into one or more trust accounts that are labeled as such. A lawyer serving as a third-party neutral or as an expert witness may treat funds belonging in whole or in part to a third person in connection with that service

¹ Additions to the text of the rule are shown by underscoring and deletions of text are shown by ~~strike-through~~.

in accordance with this rule. The location of the trust account shall be controlled by the provisions of ER 1.15(a). No trust account required by this rule may have overdraft protection. No funds belonging to the lawyer, legal paraprofessional, or firm shall be deposited into a trust account established pursuant to this rule except as follows:

(1)-(4) [No change]

(b)-(j) [No change]